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PART 47.

# FURTHER CORRESPONDENCE

RESPECTING THE

# AFFAIRS OF MOROCCO.

CLOSED UNTIL
1964
59

July to December 1913.

F.O. 413/

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CONFIDENTIAL.

# Further Correspondence respecting the Affairs of Morocco.

## Part 47.

[30161]

### No. 1.

*Consul MacLeod to Sir Edward Grey.—(Received July* 1.)

(Confidential.)

Sir, *London, June* 23, 1913.

IN view of the many changes in progress which it afforded an opportunity of observing, I beg to submit the following account of the Morocco part of my present journey home from Fez on leave of absence :—

2. In view of the facilities for travel now available between Fez, Rabat, and Casablanca, and also of the disturbed state of the Spanish zone between Alcazar and Tangier, I decided to come by way of Rabat, Casablanca, and thence by steamer of the direct—twice a month—service to Bordeaux.

3. Our party consisted of my wife, infant and nurse, myself, and native servants. We left Fez on the afternoon of the 10th June, preceded early in the day by our baggage in a large two-wheeled waggon, itself a novelty, and which was got into Fez at one gate and out at another with no small difficulty owing to the narrowness of the streets and the tightness of the corners which had to be turned.

4. As mentioned in recent reports a road fit for wheeled traffic is in construction from Dar-el-Amri (where the present terminus of the military railway from Kenitra is situated) to Fez. In dry weather this road is already practicable all the way to Fez. From Jebûb (12 miles from Fez) onwards it is already in good order, and at all difficult parts not repairs only, but proper construction has been effected, particularly over the Zogota hills and through the pass called Bab Tewka.

5. Judging from the traffic we saw using the road it is clear that the little bridges over gullies can easily bear vehicles weighing with their loads 5 tons or so. What seems wanted now is heavy rolling of the road to bind the ballast into a solid mass, but so far as I could learn, this operation is still deferred owing to scarcity of funds.

6. We camped at Mikkes ("Nzala Oudaya" on the maps), 18 miles, then Zogota, 30 miles, then "Petitjean" (Sîdî Kassim of Sherarda), 45 miles, and then at Dar-el-Amri, about 60 miles from Fez.

7. At Petitjean the newly-made road forks—one route going about 10 to 12 miles towards the north-east—to Megroun, to which point the Sboo is now navigated by shallow-draught lighters and tugs from Kenitra. The voyage thence to Kenitra takes two days down stream and three days up stream, and this is the route now used by the transport companies, who contract for the delivering of French military stores at Fez and Mequinez.

8. There can be no doubt that this waterway will be of considerable importance in developing the rich agricultural resources of the Sboo and Warga Valleys, and, indeed, it has already been of much use for the transport of grain to Kenitra, for Government use, and for shipment. It should be of still greater value in future in connection with the construction of the Fez section of the Tangier Railway, the materials for which could be shipped to Kenitra and thus permit of the building of this section of railway simultaneously with the Tangier–Alcazar section. It should

afford also an attractive tourist route to Fez were suitable boats and a motor service, Megroun to Fez, provided. I was very sorry not to be able to travel by this waterway, but unfortunately the information available about it at Fez was too vague to allow of plans being made without the risk of missing our steamer at Casablanca.

9. Dar-el-Amri is situated on the north bank of the Wad Beht and at the foot of the hills which reach thence to Mequinez. At present the place is merely a collection of sheds—temporary offices, stores, and workshops required for the handling of the military stores coming by the railway and for the construction of the Mequinez section of the railway. This section is being rapidly made, but owing to the amount of cutting, culverts, small bridges, &c., along hill-sides, progress is necessarily slower than the kilometre a day attainable on the Kenitra–Dar-el-Amri section. This latter was almost wholly over a plain of loose sand and scrub, requiring little but the making of a shallow trench for the line, and at parts where it winds through outlying parts of the so-called "forest" of Mamora, the clearing away of tree roots, too. The only real engineering work on this section is the wooden bridge over the Wad Beht itself at Dar-el-Amri. The railway is of the well-known narrow gauge Decauville type—single line, with side tracks at intervals for trains to pass each other. Three trains a day each way are run. The maximum load each train can take is 100 tons, and the speed averages 9 miles an hour.

10. Marauders infest the Mamora forest, and lately a party of them attacked the Moors labouring on the line, killing eight of them. For this reason the line is guarded wherever men are at work, and an escort of some twenty soldiers accompanies each train. These guards and escorts are composed of part of the old Moorish troops. The vigorous smart appearance of these soldiers and their cheerful mien were most striking, and one could not help deploring again the tragic mismanagement by which the services of so many thousands of useful soldiers had been lost to their country.

11. For the use of officers a truck with benches and a wooden shade is attached to each train. On the section (in all about 45 miles) there are three stations, and at the middle one, Sîdî Yahia, there is a rough "shanty restaurant hotel," where, however, good food and refreshments are to be had.

12. The French military staff at Fez had been kind enough to issue a "note de service," directing that we were to be afforded all facilities on the railways, as also (of course against payment at the official rates) of such forage and other supplies as we might need. A copy of this note was sent in advance to each post, and we were everywhere most attentively assisted. At Kenitra the Commandant (Major Cambier) met us at the station and said he had been directed by General Lyautey to give us the use of some six rooms in the Kasbah (where a number of rooms are kept partly furnished for the use of officers travelling on duty), and to say that a motor car would come next day to take us up to Rabat; that meanwhile our servants and baggage could precede us by a military caravan leaving at dawn for Rabat; and that General Lyautey hoped we would not stay a day extra at Kenitra (to allow of our baggage wagon overtaking us), but come on at once to Rabat and stay with him at the Residence.

13. I expressed many thanks for all their attentions, but refused the last one, as I could hardly think it fair to quarter such a party (we included a baby in arms), and so we would simply camp at Rabat. That evening, and again next morning, General Lyautey telegraphed again urging that we be his guests at Rabat, pointing out that we would have a furnished cottage in the Residence grounds to ourselves, and that it really would cause him no inconvenience. This insistence somewhat embarrassed me. These attentions were so uncommon that they might cause remark, and, on the other hand, to insist on enduring the heat and dust of a camp, or the discomforts of a Rabat hotel, rather than accept it, would have looked, perhaps, somewhat discourteous. Moreover, I felt quite sure that General Lyautey was sincere in his offer, and also, moreover, that he might wish to talk over many things in which our staying with him would afford facilities. I therefore accepted his offer, and I trust this was the right thing to do under the circumstances.

14. *Kenitra.*—Until the French arrived this place consisted merely of a kasbah, or fort (an open space surrounded by a high wall, against which about 150 rooms were built for the soldiers occupying it, and whose duty there was the securing of the Fez and Mequinez–Rabat road against marauders from the Mamora forest.

15. The kasbah is situated on the south bank of the Sboo estuary. This estuary has been found to be navigable even for 2 miles or more above Kenitra by steamers up to 1,400 tons gross. The estuary forms roughly the letter "S." The banks are so steep



that shallow-draught steamers can come alongside small quays, and in the case of other steamers the discharging or loading by lighters means only the carriage of the goods for 50 yards or so, and that, too, in calm water at all seasons. By the mere addition of further quays, the port seems capable of practically indefinite extension. Once arrived there the steamers can load or discharge (in all) as much as 500 tons a-day even under the present arrangements.

16. *Mehediya.*—The port at the mouth of the Sboo has been practically abandoned as regards loading and discharging, and a custom-house has been established at Kenitra. The lands around are not marshy, and are mostly at the authorities' disposition, having been little acquired by private speculators. The area within the loop of the river is still merely under cultivation, but all around the kasbah wide streets have been marked off, and areas enclosed for the various departments of the administration—custom, railway depôt, engineering department, quays and Government offices, and quite a busy thriving little town has already sprung up. The river is tidal, but excellent springs of water have been found on the eastern side of the town.

17. I enquired particularly about the bar at the river's mouth, hitherto supposed to be the great obstacle to be overcome. Commandant Cambier said their experience of the bar had shown its difficulties to have been very much exaggerated. On three days out of every four it had been found to be workable, a state of things which compares favourably with most Moorish ports, besides which (as already stated), once inside the bar loading and discharging could be proceeded with in any weather. It was, moreover, to be expected that when funds were available the bar could be improved, and dredging of the river would enable still larger steamers to come up to Kenitra.

18. Altogether, the impression I got was that Kenitra seems certain to prove a most formidable rival to Laraiche as the port for Fez, Mequinez, and all the country in the triangle—Arzila, Mequinez, Rabat, and in some degree perhaps also to Tangier itself for much of the cattle export trade, for instance at present done at Tangier, Kenitra, would seem admirably fitted.

19. I would call very special attention to Kenitra's possibility as a port. It affords a river, calm water, quay frontage of upwards of 20 miles, natural facilities which are not presented by, or possible at, any other place in Morocco soever—so far as I have been able to learn.

20. It should be explained that the Sallee–Kenitra section of the military railway is in course of construction, and should be finished about the middle of next month. The Casablanca–Rabat section will be linked with this section by means of a large steam ferry over the River Bou Regreg at Rabat, which will take over the trains in parts. It is now expected that the Dar-el-Amri–Mequinez section will be in work by the end of December, 1913, and the Mequinez–Fez section by, say, June 1914. It will be then possible, therefore, to travel from Fez to Casablanca (about 180 miles) all the way by railway.

21. To resume the narrative. The motor General Lyautey sent for us was one of the large military ones, and run by two chauffeurs. The road was at first over deep soft sand (at one stretch of 200 yards or so); and here a gang of prisoners had to help to pull the machine. The speed kept up thereafter was about 12 miles an hour, and altogether the ride afforded (such was the unevenness of the road) much the same sensations as one has when following hounds in pursuit of a strong running fox over open dry country.

22. We reached Rabat (two hours by motor from Kenitra) late on the afternoon of the 15th, and remained there till the early morning of the 17th, when we left by train for Casablanca, travelling in the saloon carriage General Lyautey had caused to be added for two ladies (wives of members of his staff) and ourselves. It would be difficult to imagine a kinder host than General Lyautey showed himself. To each meal were invited to meet us the various French officers and officials and their wives, whom we had known formerly at Fez, together with others whom we were most interested to meet, and to all of whom General Lyautey expatiated warmly on the sympathy and help we had shown him at Fez, during his great difficulties at Fez last year.

23. In the talks which occurred during the visit, General Lyautey gave me his version of the abdication of Mulai Hafid. According to this, the view impressed on him by the French Government was that it was before all things necessary to induce Mulai Hafid not to abdicate. General Lyautey, within a fortnight after reaching Fez, had satisfied himself that Mulai Hafid was universally detested, and later he concluded that the best possible course would be to let him abdicate—indeed even to insist on

this—for it was becoming clear that the desire for abdication was a huge bluff, and that some scheme of exploiting the French was in His Majesty's mind. If this were tolerated the result would be that a price would have to be paid to Malai Hafid for every decree to which His Majesty's assent might be required, in short, the French would be constantly blackmailed.

24. In the event this was what happened. As soon as General Lyautey said he was ready to receive the abdication, Mulai Hafid tacked and refused to give it. A series of violent scenes with him followed, culminating, however, in a demand by Mulai Hafid for a sum of money to meet the expenses of his ensuing visit to France. This, General Lyautey refused to part with except against delivery of the document of abdication, and in the event, the cheque for the money was handed over against the letter of abdication, just as the Sultan's barge and General Lyautey's launch reached the bar of Rabat. The bar was in a most ticklish state, and, had General Lyautey crossed it, both he and the Sultan might have been unable to get back, the only acknowledged authorities in the country being thereby removed temporarily. General Lyautey declared warmly that he never in his life passed so exciting a half hour.

25. *Teaching of English at Fez.*—I took the opportunity, when we were talking of Fez affairs, to mention the arrangements in progress for the teaching of English in the Jewish school there, and of which he expressed cordial approval. I then remarked that our Moslem protégés who traded with England, and who would be large contributors to the municipal schools in contemplation, were solicitous of their young people being afforded opportunities of learning English and thus being enabled to develop their businesses with England. I remarked that I must not be supposed to be suggesting the municipal establishment of English schools, but only of opportunities being afforded to those who so desired, to learn English. For instance, there were to be three Moslem municipal schools, and it might be arranged that a master teach English for, say, two hours a day in each school, just as in England one teacher of French often gave lessons in several schools in the same place.

26. General Lyautey said he thought the suggestion quite just, and explained it fully to Mr. Tirard and others (Secretary-General of the Residence), who was in the room at the time asking him to take note of it and have the matter fully gone into when the "Directeur de l'Instruction publique" (absent from Rabat just now) should return, and remarked that for such a purpose we would need to get the teachers from us, and perhaps I would mention this point when I arrived in England. For his part he was entirely in favour of it.

27. General Lyautey questioned me very minutely as to how the municipalities were working at Fez, and seemed greatly pleased at the general good results and contentment which they had produced. This led to talk about the administration in general, and I took the opportunity to point out how much might be done, on the same lines, amongst the country people, that is to say, the possible methods of tribal Government, which I described in my recent report on "The Protectorate in the making." In all this he seemed greatly interested, and said that he had no doubt that the true way of attaining the greatest peace and contentment was to give the inhabitants as much management as possible of their local concerns.

28. *Development of British Trade.*—I mentioned to General Lyautey that, remembering his language at Fez on the matter, I had taken every chance of saying that his policy was the reverse of exclusive, that he regarded every enterprise which brought capital and intelligence into the country—no matter from where—as a gain to Morocco and to France, and so British firms would only have themselves to blame if they did not take full advantage of the improving conditions in Morocco. I had included such observations in a recent trade report which had been widely copied by our press. He replied eagerly: "That was perfectly right. Please repeat that to everybody, and on all occasions. These are exactly my views, and I want everybody and every community in Morocco—and the English, no less than others—to enjoy the fullest contentment and prosperity."

29. In talking of Fez I mentioned that happily, so far the place had not been disfigured by hoardings and bill-sticking—as had so many other places already in Morocco. But the practice of bill-sticking was beginning even there, and so I hoped he could get it stopped. I felt sure all the foreigners would have no objections to such a restriction, and when it was applied to everybody nobody would lose by the walls, gates, and streets being kept free of such disfigurement. With this he concurred warmly, and said he would have directions given about it.

30. *Taza Situation.*—General Lyautey said he was well pleased with the progress made thus far, but he was still most averse to pushing in that quarter. If patience



enough were used the tribes there would come into order all right. For his part he hoped that nothing would occur which would necessitate the French doing anything further in a military way for this year—at any rate in that direction.

31. *Fez Trade: the continued Interruption of Traffic with the Berber Tribes.*—I mentioned that the only complaint the Fez people had (and it was a very serious one to them) was of the continued hostilities and cessation of trade with the Berber districts—Beni Mtîr, Beni Mguild, and Zayan. These people had been settling down, but I feared that there must have been some exasperating mismanagement of them last winter. Had he heard, for example, of an instance last winter wherein (as I now know for a fact) certain Senegalese troops had decapitated the bodies of some twenty Berbers who had been killed in the fighting at Agoural? General Lyautey answered that he had learned this with much indignation, and had deprived the colonel there of his command and sent him back to France.

32. This led to mention of what had been General Lyautey's chief preoccupation these days, namely, the fighting in Tadla by Colonel Mangin's column. (It will be remembered that this is not the Colonel Mangin who used to be in Fez, but the one who earned reputation as an organiser of colonial troops, especially Senegalese, and who led the column which cleared Mulai Hiba out of Marrakesh.) In the present affair, which was most deplorable, Colonel Mangin had been very imprudent. Certain "submitted" tribesmen of Zaar complained that they were being raided by the Zayan. Colonel Mangin led a column some distance in pursuit of these Zayan, when he was suddenly and furiously attacked at close quarters by some 5,000 to 6,000 Zayan, who had concealed themselves with great skill. The Zayan were beaten off and lost between 500 and 600 killed, but the French had lost about 40 killed, including 8 officers, and had about 150 wounded. General Lyautey seemed very much moved about it all, and expatiated on the blindness of people who could not realise the dangerously exciting effect on the whole country which any tribal success against the French would have.

33. *The Revolt against the Spaniards.*—When discussing this, General Lyautey said he had come to the conclusion that the Moors, in Morocco generally, now distinguished quite clearly between the French and the Spaniards. For this reason, whatever might happen just now would have no repercussion either way on the French, and so he had decided not to move any French troops whatever in this connection, as to do so would not really help the Spaniards, but would only have, in the eyes of the Moors of the French zone, the appearance of apprehension.

34. As regards his position, General Lyautey, in a very confidential way, remarked that there seemed to be a good deal of confusion and uncertainty just now at the Ministry of Foreign Affairs at Paris, and he complained of not being well supported in France. I inferred that this was mainly in respect of the funds necessary for the accomplishment of his plans in Morocco.

35. His staff all assured me that he was now recovering, but certainly General Lyautey appeared to us in much need of a rest, and to be considerably the worse for his recent attack of influenza.

36. We left Rabat on the morning of the 17th by train, to which General Lyautey had had attached the official saloon carriage for the use of ourselves and two ladies, wives of members of his staff. About half-way, at Bouzruka station, there was a wait of an hour for lunch. Some rough shed hotel-restaurants have been erected there, at which simple and cheap (2 fr.), but exceedingly good, well-cooked meals are obtainable. For what reason I could not ascertain, but the speed on this section of the railway was still less than on Dar-el-Amri–Kenitra section, and rarely was over 8 miles an hour.

37. Though our steamer was not sailing that day we embarked that evening, and I had a few hours ashore next day. The great extensions and developments at Casablanca these eighteen months have doubtless been fully reported. What impressed us and every traveller we met, however, was the amazing confusion, noise, and dirt everywhere obtaining. From all we could hear the place seems to be going from bad to worse in these respects, and naturally these features struck us the more forcibly coming as we had from the cleanliness, quiet, and good order which have been characteristic of Fez the last few months, and are the results of the municipality's work

I have, &c.
J. M. MacLEOD.

[29485] No. 2.

*Sir Edward Grey to Mr. Carnegie.*

(No. 410.)

Sir, *Foreign Office, July 2, 1913.*

IN the note enclosed in your despatch No. 341 of the 25th ultimo, the French Government state that the only point to be discussed at the negotiations now taking place in Berlin on the subject of the revised mining regulations for Morocco is whether the new regulations in any way infringe the rights of Germany under the Franco-German Convention of the 4th November, 1911.

I have to request that you will inform M. Pichon that, in the circumstances as now explained, His Majesty's Government will not insist on their wish to be represented at the Berlin conference, subject to an understanding that they will be kept informed of the course of the negotiations, and that they will be given an opportunity of expressing their views before the regulations are issued, in the event of any special concessions being made to meet the wishes of the German Government, in regard to particular provisions thereof.

I am, &c.
E. GREY.

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[29091] No. 3.

*Sir Edward Grey to Mr. White.*

(No. 114.)

Sir, *Foreign Office, July 2, 1913.*

IN your despatch of the 30th April you furnished me with your observations on the proposal to grant a concession for the construction and exploitation of a harbour at Tangier to a selected company, without awaiting the establishment of the municipality at Tangier.

The whole question has now been fully considered in consultation with the Board of Trade, and His Majesty's Government have come to the conclusion that the Société internationale pour le Développement de Tanger—the subsidiary company of the Compagnie marocaine de Travaux publics—offers the best prospect of an early and satisfactory construction of the much-needed port works at Tangier. It appears from Mr. Kennard's despatch No. 155 of the 24th May that the German Government are in favour of this solution, and it is understood that the French and Spanish Governments take a similar view of the matter.

You are accordingly authorised to suggest to your French, German, and Spanish colleagues that the Société internationale should be invited to submit a scheme for building and exploiting the harbour. Such a scheme should include full provision for the harbour being taken over on suitable and reasonable terms by the municipality if and when they find themselves in a financial position which enables them to do so; and it should, moreover, be understood that the submission of a proposal implies no engagement on the part of the municipality towards the Compagnie marocaine.

Should the latter put forward a draft project in these conditions, it should be discussed at Tangier with the help of the technical advisers of the Makhzen and, so far as it is considered advisable, of representatives of local commercial interests. The scheme, amended and modified as the result of such examination, should then be forwarded to the four Governments principally concerned for their consideration.

I am. &c.
E. GREY.

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[29485] No. 4.

*Memorandum communicated to M. Cambon.*

HIS Majesty's Government recently learnt that conversations were to take place in Berlin between representatives of France, Germany, and Spain on the subject of the revised mining regulations for Morocco which have been drawn up by the French and Spanish Governments to replace those prepared at Paris in 1910 by delegates representing France, Germany, Great Britain, and Spain, and they expressed,



through His Majesty's Embassy at Paris, the desire to participate in the discussion of the new regulations.

In reply the French Government stated that the only point to be discussed at the Berlin conversations was whether the revised regulations in any way infringed the rights of Germany under the Franco-German Convention of the 4th November, 1911, and they expressed the confident hope that His Majesty's Government would not insist on their claim to take part in the discussion.

In the circumstances, as now explained, His Majesty's Government will not press their request to be represented at the conference, subject to an understanding that they will be kept informed of the course of the conversations, and that they will be given an opportunity to express their views before the regulations are issued, in the event of any special concessions being made to meet the wishes of the German Government in regard to particular provisions thereof.

His Majesty's Chargé d'Affaires has accordingly been instructed to inform M. Pichon of this decision.

*Foreign Office, July 2, 1913.*

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[29485] No. 5.

*Foreign Office to Board of Trade.*

Sir, *Foreign Office, July 2, 1913.*

WITH reference to your letter of the 27th ultimo, I am directed by Secretary Sir E. Grey, to transmit to you herewith a copy of a despatch from His Majesty's Chargé d'Affaires at Paris, enclosing the reply of the French Government to the claim of His Majesty's Government to participate in the discussions now taking place in Berlin, on the subject of the revised mining regulations for Morocco.

In view of the explanation that the only point to be discussed at the Berlin conversations is whether the new regulations in any way infringe the rights of Germany under the Franco-German Convention of the 4th November, 1911. Sir E. Grey is of opinion that it is not necessary for His Majesty's Government to press their request to be represented at the conference, and he has accordingly notified the French Government that His Majesty's Government will waive their claim, on the understanding that they will be kept informed of the course of the conversations, and that they will be given an opportunity of expressing their views before the regulations are issued, in the event of any special concessions being made to meet the wishes of the German Government in regard to particular provisions thereof.

Sir E. Grey understands that, as a result of informal communications between the two Departments, the Board of Trade have notified Sir H. Cunyinghame that His Majesty's Government are not now sending a delegate to Berlin.

I am, &c.
W. LANGLEY.

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[30460] No. 6.

*Sir Edward Grey to Sir M. de Bunsen.*

(No. 85.)

Sir, *Foreign Office, July 4, 1913.*

THE French delegate to the recent Tangier Commission at Madrid incidently raised, during the informal discussions which have taken place at this department, the question how and where the proposed convention respecting the international zone be signed.

It was suggested to M. Dupeyrat that, as the prolonged negotiations between the British, French and Spanish delegates had been carried out at Madrid, it would be fitting that the instrument resulting therefrom should finally be signed at that capital. This arrangement would have the additional advantage of gratifying the Spanish Government who were after all making the principal concessions in regard to the establishment of the Municipality.

M. Dupeyrat expressed his entire concurrence in the above proposal and stated that he would recommend its acceptance to the French Government.

I am, &c.
E. GREY.

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[30459] No. 7.

*Sir Edward Grey to Sir E. Goschen.*

(No. 212.)

Sir, *Foreign Office, July 4, 1913.*

THE second secretary of the German Embassy called at the Foreign Office on the 27th ultimo, and stated that the German Government had been much perturbed to read in the "Temps" that it was the intention of the three Governments, who were negotiating together the convention respecting Tangier, to bring into force the international régime in that zone as soon as the convention had been concluded, and without consulting any of the other Powers signatory to the Algeciras Act.

Herr von Schubert was reminded that it had been explained on more than one occasion that the arrangement concerning Tangier would certainly be submitted to all the treaty Powers for their acceptance before it became operative. There was no change in the intention of the three Governments in this respect.

On the matter being subsequently mentioned to the French delegate on the Tangier Commission at Madrid, who was then in London, Monsieur Dupeyrat declared that no such statement had ever appeared in the "Temps," and that the German declaration on this point was a pure invention.

I am, &c.
E. GREY.

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[30896] No. 8.

*Sir M. de Bunsen to Sir Edward Grey.—(Received July 5.)*

(No. 108.)

Sir, *Madrid, June 6, 1913.*

I HAVE the honour to forward Mr. White's final memorandum on the proceedings of the Mixed Tangier Commission, together with the concluding *procès-verbaux*, and the text of the draft convention and firman,* so far as it has been possible to complete it.

As Mr. White is himself taking these papers to the Foreign Office, in order that he may be able to explain personally any points that may require further elucidation, it would be presumptuous on my part to offer at present any comments on the result of the admirable work which he has done at Madrid. The labour has been severe and incessant, the subject-matter extremely complicated, and without the participation of a British delegate possessed not only of an unrivalled knowledge of the question, but also of the necessary combination of firmness and tact, the difficulties of the task would, I believe, have proved almost insurmountable.

I have, &c.
MAURICE DE BUNSEN.

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Enclosure 1 in No. 8.

*Memorandum by Mr. White.*

THE Mixed Commission held its final meeting on the 2nd instant, when the draft convention and firman were adopted, a certain number of additions and modifications being introduced.

It would have been better if a few more days could have been devoted to carefully examining the draft in its final form, as the work was much too hurried at the end to allow of proper consideration of the various proposals put forward at the last moment. Unfortunately, M. Padilla and I were unable to induce our French colleague to prolong his stay at Madrid, as his presence was urgently required at Paris, where some of the head officials of the French zone had been waiting for him several weeks in order to discuss some pressing matters before returning to Rabat.

I transmit herewith the *procès-verbaux* of the 58th to the 62nd meeting, together with that of the "séance de clôture," to which are annexed the draft convention and firman. In the former the following articles have been reserved :—

Article 6. Religious liberty, the question of the monopoly of the Spanish Franciscans being still unsettled.

* Printed separately.



Article 23. The Service of Public Works. The alternative French and Spanish proposals are shown.

Article 24. Judicial organisation. This article is incomplete, as it was considered better that it should be drafted by the legal advisers. I would suggest that Mr. Brunyate be requested to prepare the draft.

It will be necessary to add an article regarding the "commissaire-administrateur," if it is finally decided to appoint one. If, on the other hand, the Spanish proposal to make the president of the Municipal Assembly the chief executive officer, an article to that effect will have to be added to the firman.

The organic law regarding the judicial organisation could be embodied in the firman as Chapter XIII, unless it is considered preferable to treat it either as an annex to the firman or as a separate firman annexed to the convention. The two articles left blank by Mr. Brunyate (articles 2 and 3) were drafted and adopted at the 62nd meeting and appear in the *procès-verbal* of that meeting. Mr. Brunyate may, however, consider it necessary to alter the wording.

It was decided at the 62nd meeting that French, Spanish, and Arabic should be declared to be the official languages, and it was agreed that the precedent of the Mixed Tribunals in Egypt should be followed as to the manner in which the official languages are used. To avoid the possibility of future dispute on this point, it was suggested that it be explained either in the article itself or in the "Règlement intérieur."

I transmit herewith a copy of the draft organic law, in which have been inserted the additional concessions the Spanish Government consented to make in regard to the criminal jurisdiction of the International Tribunal. I would suggest that Mr. Brunyate be requested to revise the draft, adding clauses providing for the creation of the posts of vice-president of the tribunal and assistant Government advocate, to which the Spanish Government have now agreed. I understand from M. Comulada, whom I saw after the departure of Mr. Dupeyrat, that he is writing to Mr. Brunyate to suggest some slight modifications in the draft.

As the members of the Mixed Commission had not yet received their instructions in regard to the draft organic law, they decided to reserve it for the consideration of their Governments, and not to discuss its provisions further than as stated above.

At the 58th meeting M. Padilla raised the question of the contraband trade in arms, the Spanish and French commandants of police having complained that quantities of arms and ammunition are being smuggled in the neighbourhood of Tangier.

The matter was discussed at the 59th meeting, when I pointed out that the most efficacious manner of putting a stop to the evil was to give the International Tribunal jurisdiction in the matter, whatever the nationality of the offenders. In support of this, I mentioned to my colleagues, in confidence, a case in which the Belgian Consular Court had inflicted a nominal penalty when a charge of organised smuggling of arms, packed in dummy pieces of machinery, was proved.

M. Padilla would not, however, consent to extend the jurisdiction of the International Court as proposed. At his request, the Mixed Commission expressed the hope that the regulations regarding the smuggling of arms should be considered with a view to making them more effective.

At the 60th meeting M. Dupeyrat submitted three draft articles, the object of which was—

1. To give the French authorities the right to demand the expulsion by the municipality from international zone of any Algerians, Tunisians, or Moorish subjects from the French zone, without having to allege any offence against them ; and
2. To allow them in the same manner to demand the expulsion of the ex-Sultans.

The articles granted a similar right to the Spanish authorities in regard to Moors from their zone and ex-Khalifas.

With regard to the first of these points, I pointed out to M. Dupeyrat that Algerians and Tunisians will still be under the criminal jurisdiction of the French Consular Court, and can be deported when necessary. This, however, M. Dupeyrat did not consider sufficient, as, for the Consular Court to make an order of deportation, something definite must be proved against the person it is desired to deport. Moreover, he wished to provide for the time when Consular Courts would be abolished. The powers he desired to retain for the French authorities were administrative rather than judicial. He asked that it should be necessary for the French consul merely to inform the municipal authorities that a passport had been withdrawn from anyone included in the above categories for those authorities to have to proceed at once to expel the

person in question from the international zone without even enquiring the reason for the expulsion.

I told M. Dupeyrat that it was difficult for me to accept these articles without previous reference to His Majesty's Government, and I requested that they be reserved.

The second of the above points, referring to the expulsion of the ex-Sultans, I discussed in my memorandum of the 21st instant. These articles would practically make French protégés of all Moors "originaires de la zone française," including, for instance, Menebhi, after the abolition of protection, and other influential Moors now residing at Tangier. It would enable the French agency to exercise great pressure on a considerable portion of the Mussulman population of Tangier during the elections, or even on such Moorish elected members of the Assembly as may happen to be of southern origin.

I have for some time past on several occasions endeavoured to introduce the subject of the revenues of the municipality at the meetings of the Commission, but M. Dupeyrat insisted on leaving that subject to the last, stating that he could not definitely make any financial concessions until other matters had been settled. The result has been that the important question of the revenues of the municipality was very hurriedly and imperfectly examined, and discussed at the last meeting.

M. Dupeyrat, in his private conversations, had given me to understand that he was prepared to relieve the municipality of all responsibility for the French war indemnity. He, however, informed me the last evening that difficulties had been raised at Paris, and that his Government would not consent to waive the claim altogether; all he could do was to waive it temporarily, that is to say, for the term of the convention. After the expiration of that term, the claim would be waived for a further term, unless the finances of the municipality were found to be in a flourishing condition. I have not much faith in this promise, especially as M. Dupeyrat did not record it in the *procès-verbal*.

With regard to the annual payment to be made by the municipality to the two other zones on account of import duty levied on goods destined for those zones, M. Dupeyrat agreed to waive all claims in respect thereto until the Tangier–Fez Railway is working. M. Hontoria informed me that, though he had instructed M. Padilla to refuse to make this concession, it was quite possible that the Spanish Government would agree to do so. He considered that the matter was one to be discussed between the Governments, and not one to be dealt with by the Commission. From information received from a private source it would appear that the sum involved is about 500,000 fr. a-year, it is therefore very important to obtain this concession, as the financial position of the municipality will be very precarious at the outset. I would suggest, therefore, that an application be made to the Spanish Government, who will find it difficult to refuse when the French Government have agreed, especially as it would appear that only about 9 per cent. of the sum involved will be due to the Spanish zone.

M. Dupeyrat suggested at the sixty-second meeting that the Mixed Commission should recommend that a concession be granted at once to an international company for the construction and exploitation of a port at Tangier. I told him that the matter was under the consideration of His Majesty's Government, and that, not knowing what what their decision might be, I could not join with my colleagues in making such a recommendation. I, however, agreed to his subsequent suggestion that the Commission should bring to the notice of the Governments the request made by the delegates of the whole population of Tangier.

H. E. W.

*Madrid, June 6*, 1913.

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Enclosure 2 in No. 8.

*Procès-verbal of Fifty-eighth Meeting of Tangier Mixed Commission, held May* 29, 1913.

LA Commission mixte d'internationalisation de Tanger s'est réunie au Palais du Ministère d'État, le jeudi, 29 mai, 1913, à 10 heures et demie.

Le procès-verbal de la précédente séance est adopté.

M. Dupeyrat appelle l'attention de la Commission sur la question de la contrebande de guerre. D'après une communication faite au Ministère des Affaires Étrangères par l'agent et consul general de France, à Tanger, le Commandant Patxot et le Commandant Toulat ont signalé que le commerce clandestin des armes s'exerce d'une façon très active dans la future zone internationale. Il est regrettable que l'Administration du Contrôle de la Dette aussi bien que les navires des forces navales soient paralysés par l'étroitesse des règlements sur la matière. Le délégué français propose à ses collègues de rechercher par quels moyens il y aurait lieu de remédier pour l'avenir à cette situation.



La Commission décide que la question sera traitée à sa prochaine séance.

Elle reprend la revision du projet du firman, de l'article 87 à l'article 105.

La séance est levée à 1 heure 55 minutes.

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Enclosure 3 in No. 8.

*Procès-verbal of Fifty-ninth Meeting of Tangier Mixed Commission, held May* 30, 1913.

LA Commission mixte d'internationalisation de Tanger s'est réunie au Palais du Ministère d'État, le vendredi, 30 mai, à 10 heures et demie du matin.

Le procès-verbal de la précédente séance est adopté.

La Commission examine la question de la contrebande de guerre posée par la démarche de MM. les Commandants Patxot et Toulat, ainsi qu'il est dit au procès-verbal de la 58e séance.

Mr. White émet l'avis que le meilleur moyen d'assurer la répression de la contrebande de guerre sera dans la remise au tribunal international du soin d'appliquer les sanctions prévues par l'Acte d'Algésiras; il demande, en conséquence, à la Commission de prononcer cette remise. M. Dupeyrat s'y déclare tout disposé.

M. Padilla expose qu'il peut y avoir utilité à reviser la réglementation même qui a pour but d'empêcher la contrebande de guerre et que la Commission n'a évidemment pas les éléments d'appréciation qui lui seraient indispensables pour recommander aux Gouvernements une décision motivée.

Mr. White estime que la question qui se pose est plutôt une question d'application que d'amélioration de la réglementation d'Algésiras. Il est néanmoins tout disposé à s'associer à ses collègues pour émettre le vœu ci-après qu'ils proposent.

La Commission mixte d'internationalisation de Tanger émet le vœu que les Gouvernements intéressés étudient les améliorations à apporter à la réglementation de la contrebande de guerre afin d'en assurer plus efficacement l'application au Maroc.

Mr. White informe la Commission que son Gouvernement ne l'autorise pas à accepter le paragraphe additionnel proposé par M. Dupeyrat, d'accord avec M. Padilla au sujet de la protection (52e séance). Le Gouvernement britannique estime que ce paragraphe ne concerne pas la zone internationale et qu'il n'y a donc pas de motif de l'insérer dans le projet de convention à l'étude.

MM. Dupeyrat et Padilla répondent pas adhérer à cette thèse, et que l'ensemble de l'article en question visant la situation des protégés de la zone internationale, devrait régler cette situation dans son ensemble et définitivement. Si Mr. White juge ne pouvoir le faire pour le passé, la seule décision à prendre est celle qui regarde l'avenir et qui est formulée au paragraphe premier de la proposition du délégué britannique. Les délégués espagnol et français offrent à leur collègue de n'inscrire que ledit paragraphe dans la convention. Mr. White accepte, pourvu qu'il soit bien entendu que toutes les Puissances renoncent en même temps à créer des protégés et associés agricoles.

La Commission continue la revision du texte des articles du projet de firman.

La séance est levée à 2 heures un quart.

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Enclosure 4 in No. 8.

*Procès-verbal of Sixtieth Meeting of Tangier Mixed Commission, held May* 31, 1913.

LA Commission mixte d'internationalisation de Tanger s'est réunie au Palais du Ministère d'État, le samedi, 31 mai, 1913.

Le procès-verbal de la précédente séance est adopté.

La Commission poursuit la revision du texte d'articles du projet de firman.

La séance est suspendue à 2 heures et demie.

La séance est reprise à 5 heures.

La Commission rédige et adopte une série d'articles relatifs aux affaires indigènes.

Mr. White réserve la décision de son Gouvernement au sujet des deux articles suivants présentés par MM. Dupeyrat et Padilla :—

(*a.*) Projet d'article pour la convention :

"Le Gouvernement de la République française et celui de Sa Majesté le Roi d'Espagne se réservent la liberté de continuer à exercer une surveillance sur les indigènes de leurs colonies d'Afrique qui établiraient leur résidence dans la zone internationale.

"Cette surveillance continuera à être assurée pour les indigènes algériens et tunisiens par l'obligation que leur imposent les règlements en vigueur d'être munis d'un passeport délivré par l'autorité de leur lieu d'origine, et de se faire immatriculer, à leur arrivée, au consulat de France.

"De même, les sujets marocains des zones française et espagnole ne seront admis en zone internationale et n'y pourront séjourner qu'aux mêmes conditions d'immatriculation au consulat intéressé. En cas de retrait du passeport par l'autorité consulaire compétente, la municipalité prononcera l'expulsion."

(*b.*) Projet d'article pour le firman :

"La municipalité ne s'opposera pas à l'installation définitive ou temporaire en zone internationale des indigènes originaires des deux autres zones. Elle ne les admettra toutefois et ne leur permettra de continuer à séjourner sur son territoire qu'autant qu'ils seront munis d'un passeport délivrée en notre nom ou au nom de notre Khalifa de la zone espagnole par les autorités compétentes et visé, suivant le cas, au consulat de France ou au consulat d'Espagne à Tanger. Au cas où ce passeport leur serait retiré par l'ordre de l'autorité l'ayant délivré, le territoire municipal devrait leur être interdit."

M. Dupeyrat propose l'article suivant pour le projet de firman :

"(*c.*) Conformément aux assurances données par le Gouvernement de la République française à notre prédécesseur, nos droits et notre prestige de chef de la famille chérifienne continueront à être respectés dans la zone internationale.

"Avec la certitude qu'ils le seront, en effet, nous y confions à la municipalité comme rentrant dans notre délégation générale et permanente de pouvoirs, le soin de pourvoir aux intérêts indigènes.

"Nos prédécesseurs qui ont choisi la ville de Tanger ou son territoire comme lieu de leur résidence continueront à y être entourés d'égards particuliers et de considération.

"Les objets qui entrent en douane ou qui en sortent à leur usage comme au nôtre continueront à ne pas payer de droits."

Mr. White accepte la seconde partie de cet article, mais demande si le premier paragraphe de l'article proposé implique que le Sultan régnant aurait le droit de faire de sa seule autorité, expulser ses prédécesseurs du territoire municipal.

M. Dupeyrat répond que son projet d'article signifie que du fait de l'internationalisation de Tanger rien ne doit être modifié dans la situation respective du Sultan et des membres de sa famille et que pour résider à Tanger aucune de ceux-ci ne doit se trouver délié de ses obligations envers lui.

Dans ces conditions Mr. White croit devoir réserver l'approbation de son Gouvernement, d'autant plus qu'à son avis l'article 1er du firman donne toutes garanties désirables au Sultan aux autorités de la zone française.

M. Padilla adhère à l'article proposé par M. Dupeyrat, étant entendu que ce qui est dit au sujet des anciens Sultans s'appliquera éventuellement aux anciens Khalifas.

M. Dupeyrat répond qu'il l'entend bien ainsi.

La séance est levée à 8 heures et demie.

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Enclosure 5 in No. 8.

*Procès-verbal of Sixty-first Meeting of Tangier Mixed Commission, held June* 1, 1913.

LA Commission mixte d'internationalisation de Tanger s'est réunie au Palais du Ministère d'État, le dimanche, 1er juin, 1913, à 10 heures et demie du matin.

Le procès-verbal de la précédente séance est approuvé.

La Commission procède à la revision du texte des articles du projet de convention.

Elle détermine d'après les chiffres provisoires communiqués obligeamment par le Contrôle de la Dette la proportion dans laquelle la zone internationale contribuera aux charges des emprunts 1904 et 1910. Le montant des perceptions douanières encaissées à Tanger ayant été de 2,808,503 fr. sur un total de 26,128,653 fr. pour l'ensemble des ports marocains, cette proportion serait de 8·35 pour cent.

Mr. White observe que l'inexistence d'éléments officiels et certains rend impossible la détermination exacte et même approximative de la quantité de marchandises pénétrant au Maroc par Tanger et destinées en réalité aux zones française et espagnole : il ajoute que, d'après des renseignements officieux concordants, cette quantité serait relativement peu importante et que la somme indivise que pourraient réclamer la France et l'Espagne ne s'élèverait pas à plus de 500,000 fr. Dans ces conditions il demande si la France et l'Espagne ne seraient pas disposées à ne pas réclamer la part leur revenant jusqu'à ce que le Chemin de Fer Tanger–Fez soit en exploitation. D'une part, en effet, c'est à ce moment que le transit pourra prendre de l'importance, et, d'autre part, c'est à ses débuts que la situation budgétaire de la municipalité sera la plus difficile.

M. Dupeyrat répond que s'inspirant des sentiments de bienveillance de son Gouvernement à l'égard de la future municipalité, il croit pouvoir répondre favorablement à la demande de Mr. White, si son collègue espagnol est disposé à agir de même.

M. Padilla déclare n'être pas autorisé à faire cette concession, qui modifierait les dispositions arrêtées par l'article 13 de la Convention hispano-française. Il estime que la question posée n'est donc pas de la compétence de la Commission mixte et ne peut être traitée que directement entre les Gouvernements.

Mr. White informe ses collègues qu'il a reçu de son Gouvernement des instructions au sujet de trois des questions à traiter dans la convention :—

1. Travaux publics : Le Gouvernement britannique est opposé à ce que le service des travaux publics soit divisé en deux sections autonomes ; il autorise son délégué à accepter l'ensemble de l'article sans l'addition de M. Padilla ;

2. Le Gouvernement britannique estime que la question de la santé maritime est de la compétence de la Commission et devrait être tranchée par elle ;

3. Il fait, enfin, des objections à ce qu'une même nationalité détienne une si forte proportion de postes administratifs, et réserve sa liberté d'examen de cette question. Il pense en tous cas que la proportion quelle qu'elle soit qui serait adoptée devrait n'être applicable que pour une période limitée.

M. Padilla s'en tient à sa déclaration de la 54e séance sur la question des travaux publics, à laquelle son Gouvernement attache une importance spéciale. Dans ces conditions il réserve la question tout entière.

Sur la question de la santé maritime, M. Padilla répond que son Gouvernement ne partage pas l'opinion du Gouvernement britannique, et tient pour acquise l'indépendance de chaque zone en cette matière ; il n'y a donc pas lieu de prévoir une réglementation commune à tout le Maroc.

3. Sur la troisième question MM. Padilla et Dupeyrat répondent que tout le projet de convention et du firman est *ad referendum* et que les trois Gouvernements restent libre dès lors de décider comme ils l'entendront.

Comme conclusion, la Commission décide que la question des travaux publics et celle de la santé maritime sont spécialement réservées.

M. Padilla invite la Commission à statuer sur la question des langues officielles en zone internationale.

Il propose :

L'emploi du français, de l'espagnol est facultatif dans les délibérations de Assemblée municipale, dans les requêtes adressées à l'Administration municipale, dans les plaidoiries et tous actes devant le tribunal, dans le service intérieur de la municipalité.

Seront rédigés en français les procès-verbaux du Comité de Contrôle et la correspondance entre celle-ci et l'Assemblée municipale.

Seront rédigés en espagnol, en français et en arabe les procès-verbaux et décisions de l'Assemblée municipale; les promulgations de toutes décisions des assemblées et en général tout avis et arrêtés ainsi que les jugements et arrêts du tribunal.

Mr. White accepte en principe que le français, l'espagnol et l'arabe soient reconnus comme les langues officielles du tribunal, mais demande que, dans l'application, on suive le précédent créé en Égypte et que les jurisconsultes adjoints à la Commission soient chargés de rédiger un projet d'article dans ce sens.

En ce qui concerne le service intérieur de la municipalité, c'est-à-dire les rapports officielles entre divers services, Mr. White pense qu'une diversité de langues employées serait gênante et que le français devrait être adopté.

M. Dupeyrat adhère à l'opinion de Mr. White au sujet des actes du tribunal, et du service intérieur et, pour le surplus, accepte avec lui la proposition de M. Padilla.

M. Dupeyrat et Mr. White ajoutent que la langue à employer dans le service intérieur pourrait être laissée à la décision de la municipalité, qui en sera le meilleur juge.

M. Padilla répond qu'il croit devoir s'en tenir à sa proposition dans son intégralité.

Mr. White propose d'inscrire au firman la simple formule ci-après :—

"L'arabe, l'espagnol et le français sont les seules langues officielles en zone internationale."

L'interprétation de l'article ainsi rédigé serait réservée au trois Gouvernements, qui, après s'être mis d'accord sur les points soulevés par M. Padilla donneront les instructions utiles à leurs représentants à Tanger pour que cette interprétation soit adoptée par la municipalité.

MM. Padilla et Dupeyrat acceptent.

La séance est levée à 3 heures.

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Enclosure 6 in No. 8.

*Procès-verbal of Sixty-second Meeting of Tangier Mixed Commission, held June* 2, 1913.

LA Commission mixte d'internationalisation de Tanger s'est réunie au Palais du Ministère d'État, le lundi, 2 juin, à 10 heures et demie du matin.

Le procès-verbal de la précédente séance est approuvé.

La Commission discute la question des charges et des ressources de la municipalité. Des décisions déjà prises résulte ce double principe que toutes les ressources fournies par la zone internationale doivent rester à la disposition de la municipalité, sous la seule réserve des obligations qui lui incombent du fait des traités ou des contrats en vigueur, et que les deux autres zones de Maroc ne sauraient être appelées à concourir à aucun titre aux dépenses municipales (articles 8 et 9 du projet de firman). Il est impossible à la Commission de déterminer d'une manière précise le montant des dépenses qu'entraînera la vie municipale. Elle ne peut qu'essayer de les évaluer suivant les vraisemblances, en prenant pour éléments de comparaison les chiffres des budgets d'un certain nombre de villes. Les délégués de la population tangéroise se sont eux-mêmes appliqués à ce travail, et en ont fourni les conclusions dans le rapport présenté par M. Daniel Saurin au nom du Comité du Syndicat international de Tanger et des membres élus de la Commission d'Hygiène.

D'après ce document on constate dans la plupart des grandes villes déjà construites et outillées une dépense annuelle moyenne de 30 fr. par habitant pour assurer la marche normale des services strictement municipaux. En évaluant sa population de 50,000 habitants, Tanger devrait prévoir de ce chef à son budget une dépense de 1,500,000 fr. par an.

M. Saurin note que la zone internationale aura, entre autres, à faire face à des frais qui habituellement incombent à l'État: ce seraient ceux qui concernent la justice, la police, l'enseignement, ceux du service de cultes, enfin certains frais de souveraineté et d'administration centrale.

Cette remarque du rapporteur du Syndicat tangérois est juste dans une large mesure; il ne faut cependant pas oublier que d'ordinaire les frais d'enseignement et de police ne sont pas entièrement extra-municipaux et que, sauf la justice et la police militaire, tous les services d'État se confondront à Tanger avec les services municipaux



proprement dits, ce qui comportera, évidemment, un développement spécial de ces derniers, qui ne saurait aller, toutefois, jusqu'à doubler leur importance. Il est d'ailleurs facile d'évaluer les frais supplémentaires résultants de la nécessité de créer une police militaire et M. Saurin avance le total de 600,000 fr. pour l'entretien de 500 hommes. Ce chiffre risque d'être un peu bas, parce que, d'abord, on ne saurait encore affirmer que la municipalité ne jugera pas nécessaire de maintenir, au moins dans les premiers temps l'effectif actuel et la moyenne de 1,200 fr. par homme, y compris les gradés, paraîtra, peut-être, comme insuffisante pour assurer un bon recrutement surtout si l'on venait à décider qu'il convient de mélanger l'élément européen à l'élément indigène.

Quoiqu'il en soit, la majorité des dépenses à prévoir à Tanger du fait de ce qui ailleurs correspond aux services d'État ne doit pas être évaluée à une somme dépassant sensiblement 1,000,000 de francs d'autant plus que l'organisation judiciaire fournira au Trésor municipal un appoint appréciable de recettes. D'autre part, le Syndicat international en visage d'un programme global d'outillage et de premier établissement comportant la construction de routes, égouts, bâtiments divers et port, auquel il n'estime pas possible de pourvoir sans emprunts comportant des crédits correspondants d'amortissement. Sur cette question de l'outillage et des travaux publiques la Commission pense qu'il faut faire une distinction. En premier lieu, la question du port doit être traitée à part et il est possible qu'une combination permette de la résoudre sans nécessité d'inscrire au budget des crédits à cette fin.

Quant au programme de travaux urbains, égouts, canalisation, bâtiments municipaux, &c., il comportera un ensemble des dépenses dont on ne peut pas dire que les budgets municipaux habituels sont déchargés entièrement: il n'existe pas de ville, en effet, dont l'outillage soit définitif et ne comporte pas chaque année des travaux neufs; mais il est bien vrai qu'il faut, cependant, dans une ville, où tout est à faire, prévoir de ce chef une majoration, d'autant plus importante qu'il s'agira ici à la fois de travaux municipaux proprement dits et de travaux, tels que routes, &c., incombant ailleurs à l'État. Dans une note relative au futur budget de Tanger, l'ingénieur en chef du service des travaux publics a pris pour comparaison les recettes et les dépenses d'un certain nombre de grandes villes, dont une, Alger, fournit pour ce qui concerne Tanger, des éléments particulièrement intéressants de comparaison à cause de la consistence d'une population européenne et d'une population indigène. La moyenne par tête d'habitant y est (exercice 1905) de 43 fr. 65 c. En prenant ce chiffre comme base on arriverait à Tanger, s'il y a une population de 50,000 habitants, à un total de 2,182,500 fr. pour les dépenses municipales proprement dites et normales. Il y faudrait ajouter pour l'exécution progressive et méthodique du programme des travaux publics que M. Porché qualifie "les dépenses de départ de l'outillage" une somme annuelle de 500,000 fr., et enfin la somme 1,000,000 de francs ci-dessus prévue pour les dépenses dites d'État. C'est un minimum de 3,682,500 fr., sans compter les charges de Dette publique, qui s'élèvent pour les emprunts 1904 et 1910, d'après le calcul provisoire de la commission à 67,500 fr. C'est au total 4,450,000 fr. par an.

En regard de ces passif, MM. Abensur, Ruiz et Saurin ont évalué les ressources de la municipalité, dans leur projet de budget, à un total de 4,111,200 fr., se décomposant de la façon suivante :—

| | | | |
|---|---|---|---|
| Douane sur 31,000,000 de francs de commerce en 1912— | | | Fr. |
| A l'importation | | | 2,000,000 |
| A l'exportation | | | 300,000 |
| Taxe spéciale 2½ pour cent | | | 625,000 |
| | P. h. | | |
| Accouage et magasinage | 300,000 | | |
| Marché aux bœufs | 17,500 | | |
| Droits de portes | 12,500 | | |
| Moles (total) | 8,000 | | |
| Marché aux légumes, grains, poissons | 60,000 | | |
| Taxes urbaines (total) | 235,000 | | |
| Autres taxes, stationnement, pain | 6,000 | | |
| Abattoirs | 30,000 | | |
| Droits sanitaires | 30,000 | | |
| Ancrage | 30,000 | | |
| Total | 729,000, | soit | 583,200 |
| Domaine | | | 103,000 |
| Total | | | 4,111,200 |

Le déficit minimum serait donc de 338,800 fr.

Il y a lieu à ce sujet de faire les remarques suivantes :—

1. D'une part et au passif de la municipalité, les chiffres du projet des délégués en ce qui concerne les recettes sont des chiffres bruts, dont il faut défalquer les frais de perception, qu'ils évaluent, à cause de l'acconage, à 939,500 fr., ce qui porte le déficit à 1,378,500 fr.

2. D'autre part et à l'actif de la municipalité, les délégués tangérois n'ont fait état que du rendement actuel des taxes existantes, mais il est évident que certaines d'entre elles, comme la taxe urbaine, peuvent donner un meilleur rendement, soit que le taux en soit augmenté, soit qu'on en régularise et généralise l'assiette dans une mesure raisonnable. Pour d'autres sources de revenus, telles que la frappe de la monnaie, l'émission de billets, le produit du monopole des tabacs, kif, les postes et télégraphes, le projet de budget présenté à la Commission ne contient que des inscriptions pour mémoire, alors que dans l'ensemble on peut vraisemblablement admettre une recette au moins de 500,000 fr.

Il n'est pas davantage tenu compte, dans les ressources du produit des biens habous, par exemple, et des droits sur les successions de la population marocaine ; or, cette population est prise en compte pour la détermination des charges du budget par tête d'habitant. Il conviendrait de compter aussi l'appoint qu'elle apporte aux recettes. Si en effet le produit des biens habous doit avoir une affectation indigène spéciale, les dépenses qu'il couvrira n'en seront pas moins exclues des charges municipales. Enfin, pas plus à Tanger que dans les deux autres zones du Maroc, il n'est permis d'espérer qu'il soit possible d'équilibrer un budget quelconque sans établir des taxes nouvelles. Avec l'organisation budgétaire ancienne les diverses ressources de revenu ne sont pas saisies par le Fisc. Il est possible, équitable et nécessaire de rechercher et de taxer toute la matière imposable. L'Acte général d'Algésiras a reconnu cette nécessité. Il a noté et conseillé la création d'un certain nombre de taxes nouvelles : Taxe urbaine, droits des timbres sur les contrats, droits de mutation sur les ventes immobilières, &c. De ces taxes seule la taxe urbaine a été créée jusqu'ici, mais de façon défectueuse. Il appartiendra à la municipalité d'organiser méthodiquement la perception de toutes ces taxes et toutes autres qu'elle jugerait équitable d'établir avec l'approbation du Comité de Contrôle. De cet ensemble d'observations il résulte que les débuts budgétaires de la zone internationale de Tanger seront évidemment difficiles, mais qu'il y a lieu d'espérer que la municipalité pourra y pourvoir.

La séance est suspendue à 2 heures et demie ; elle est reprise à 4 heures et démie.

La Commission décide :—

"CHAPITRE XI.—*Ressources de la Municipalité.*

"Article 113. Les ressources de la municipalité sont constituées par le produit d'ensemble de tous les impôts, taxes et revenus publics perçus sur le territoire de la zone internationale sans autres exceptions que celles qui résultent des traités ou contrats en vigueur ni d'autres réserves que celles inscrites au present firman.

"Art. 114. La délégation générale de pouvoirs faite par Sa Majesté chérifienne à la municipalité comprend l'exercice de tous ses droits sur les biens Makhzen dans la zone internationale.

"Le domaine comprend un domaine public et un domaine privé.

"Le domaine public est composé des rades, fleuves, rivières, routes, rues et places publiques ainsi que des murailles formant l'enceinte de la ville, des forteresses et batteries existant dans les limites de la zone internationale, ainsi qu'en général de tous biens de Makhzen. Il est inaliénable tant que le déclassement n'en a pas été prononcé par une décision de l'Assemblée municipale expressément approuvée par le Comite de Contrôle, comme il est dit à l'article 68.

"Le domaine privé de la municipalité se composera d'immeubles acquis à titre onéreux ou édifiés par elle ou de ceux provenant de dons et legs acceptés dans les conditions précisées par les règlements municipaux et des immeubles du domaine public, qui ont été regulièrement déclassés.

"Les biens qui pourraient appartenir personnellement au Sultan sont expréssement exclus de sa délégation de pouvoirs et toutes contestations y relatives seront portées devant le tribunal international.



"La municipalité mettra gratuitement à la disposition du Khalifa un immeuble du domaine public convenant à son rang et à sa fonction.

"Art. 115. La municipalité a tout pouvoir de créer des impôts et taxes qu'elle jugera nécessaire et qui s'appliqueront également aux ressortissants des Puissances et indigènes.

"CHAPITRE XII.—*Dispositions diverses.*

"Art. 116. Les établissements d'intérêt général, scolaires, hospitaliers, de missions religieuses ou de bienfaisance, de toute nationalité, ainsi que l'Institut Pasteur français et l'Instituto Bacteriológico espagnol, actuellement existant sur le territoire de la zone internationale conserveront leur entière autonomie en ce que concerne leur fonctionnement intérieur sous la surveillance de l'autorité de leur pays d'origine. La municipalité n'aura, en aucun cas, le droit de s'immiscer dans leur fonctionnement ni d'entraver leur développement.

"Autorisation sera accordée par la municipalité pour l'installation à l'avenir de tout établissement semblable, de quelque nationalité que ce soit, sous condition qu'il se conforme aux règlements municipaux en vigueur sur la matière.

"Toute église, école gratuite, hôpital gratuit, mission religieuse ou autre établissement charitable déjà existant, ou qui sera ouvert à l'avenir, sera, en reconnaissance des services qu'il rend, exempté de la taxe sur les constructions urbaines et des droits de douane sur les médicaments ou autres objets destinés à la charité.

"Art. 117. Les jeux de hazard seront interdits à Tanger.

"Toutefois, et par dérogation à ce principe, la municipalité pourra accorder aux cercles et casinos l'autorisation d'ouvrir au public des locaux spéciaux, distincts et séparés, où seront pratiqués certains jeux de hasard sous les conditions ci-après :—

"1. Les seuls jeux de hasard qui pourront être autorisés sont :

"(*a.*) Le baccara à deux tableaux, et le baccara à chemin de fer ;

"(*b.*) Les jeux des petits chevaux et ses variétés ;

"(*c.*) Les loteries de bienfaisance, sans que toutefois elles puissent comporter des lots en argent.

"2. Les autorisations seront accordées par le chef de l'Administration municipale, après enquête favorable, et en considération d'un cahier des charges établi par l'Assemblée municipale et approuvé par le Comité de Contrôle à une majorité des trois quarts.

"3. L'arrêté d'autorisation fixe sa durée, il détermine la nature des jeux autorisés, leur fonctionnement, le maximum des enjeux, les mesures de surveillance et de contrôle des agents de l'autorité, les conditions d'admission dans les salles de jeux, les heures d'ouverture et de fermeture, le taux et le mode de perception du prélèvement ci-dessous prévu.

"4. L'autorisation peut être révoquée par l'Administration municipale en cas d'inobservation du cahier des charges ou des clauses de l'arrêté de concession.

"La révocation d'autorisation pourra être également prononcée, en cas d'inaction de l'Administration municipale, par le tribunal international, sur la demande motivée de tout électeur tangérois.

"5. En aucun cas, le retrait des autorisations ne pourra donner lieu à une indemnité quelconque.

"6. Tout établissement de jeux fonctionnant avant la mise en vigueur des présentes dispositions, quelle que soient l'époque et les conditions de son ouverture, aura un délai de deux mois pour se pourvoir d'une autorisation régulière, faute de quoi il sera fermé.

"7. Tout établissement autorisé, qu'il soit ou non organisé en société, aura un directeur et un comité de direction responsables, dont les noms, professions, domiciles devront être, dans tous les cas, portés à la connaissance de l'Administration municipale par une déclaration faite au secrétariat de celles-ci ;

"Le directeur et les membres du comité devront être majeurs et n'avoir subi aucune des condamnations privatives du droit électoral à Tanger.

"8. Les directeurs et les membres du comité de direction ne pourront, en aucun cas, se substituer un fermier des jeux.

"9. Indépendamment des conditions imposées par le cahier des charges, un prélèvement de 15 pour cent sera opéré sur le produit brut des jeux, au profit des œuvres d'assistance, d'instruction, de prévoyance ou d'hygiène de la zone internationale.

"Art. 118. Les annonces seront faites dans le journal ou les journaux de Tanger que désignera à cet effet l'Assemblée générale du tribunal avec tarification des insertions et du prix des numéros justificatifs à produire.

"Art. 119. L'arabe, l'espagnol et le français sont les seules langues officielles en zone internationale.

"Art. 120. Le tribunal international, dès son installation, sera constitué en commission de revision des attributions illégales de biens Makhzen dans la zone internationale.

Art. 121. La préséance des hauts fonctionnaires à Tanger est la suivante :—

"Le Khalifa.
"Le président du Comité de Contrôle.
"Les agents et consuls généraux.
"Le président de l'Assemblée municipale.
"(Le commissaire-administrateur s'il y en a un.)
"Le président du Tribunal international.
"L'avocat du Gouvernement.
"Les juges.
"Le substitut de l'avocat du Gouvernement.
"Le Directeur des Travaux publics.
"Les directeurs des autres départements, suivant leur ancienneté, et en cas de même ancienneté par rang d'âge."

"Chapitre XIII.—*Organisation judiciaire.*"

Articles laissés en blanc par les jurisconsultes :—

"Art. 2. Nomination des magistrats.

"Les magistrats composant le tribunal international, ainsi que l'avocat du Gouvernement et son substitut, seront nommés par notre Majesté chérifienne sur la désignation faite par chaque Puissance intéressée."

La Commission n'étant pas d'accord sur la procédure à suivre entre les Puissances et la municipalité au sujet des communications relatives à la nomination des magistrats, la question est réservée.

"Art. 3. Le président du tribunal et l'avocat du Gouvernement recevront un traitement annuel de 30,000 fr.

"Le traitement de début des juges et du substitut de l'avocat du Gouvernement est fixé à 20,000 fr. par an, avec augmentation de 1,000 fr. tous les deux ans jusqu'à concurrence de 25,000 fr."

Pour le surplus du projet d'organisation du tribunal présenté par les jurisconsultes la Commission réserve purement et simplement la décision des trois Gouvernements. Toutefois, et conformément à la résolution inscrite au 48e procès-verbal, aux exceptions déjà apportées à la compétence de la juridiction consulaire s'ajouteront en faveur du tribunal international les suivantes :—

"Article 31 (7). Infractions commises au préjudice d'une administration municipale.
"Article 32 (*e*.) Cabarets et établissements assimilables.
"(*f*.) La presse.
"Article 33 (8.) Infractions en matière de presse."

D'autre part, le premier paragraphe de l'article 32 sera rédigé ainsi :—

"Si les peines prévues par le règlement ne dépassent pas, en cas de première faute, le taux de la compétence exclusive du juge de première instance siégeant seul, et, en cas de récidive, un mois et demi de prison et une amende de 200 pesetas hassani."

M. Padilla observe que les exceptions ci-dessus ajoutées ne sont pas consenties par son Gouvernement, ainsi qu'est accepté par lui la répartition des sièges attribuant le poste de substitut de l'avocat du Gouvernement à un titulaire anglais, que si les juridictions consulaires répressives sont maintenues comme il est dit au projet.

Les jurisconsultes seront invités à rédiger pour la convention les textes qui doivent y être insérés.

La commission après avoir pris connaissance des communications des délégués de la



population de Tanger constate qu'elle n'a pas pouvoir pour prendre une décision en ce qui concerne la construction d'un nouveau port à Tanger. En raison de l'urgence d'une solution, elle signale la question à la bienveillante attention des Gouvernements.

La Commission émet au sujet de la liquidation de la caisse spéciale le vœu dont le texte est ici annexé.

Le présent procès-verbal est adopté séance tenante.

La séance est levée à 7 heures.

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Enclosure 7 in No. 8.

*Procès-verbal of Final Meeting of Tangier Mixed Commission, held June* 2, 1913.

LA Commission mixte d'internationalisation de Tanger ayant achevé le collationnement et la revision du texte des articles adoptés au cours de ses séances, arrête toutes modifications et additions nécessaires faites, le projet de convention et le projet de firman, concernant la future zone internationale de Tanger, conformément aux exemplaires annexés au présent procès-verbal.

ALEJANDRO PADILLA.
J. L. DUPEYRAT.
HERBERT E. WHITE.

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*Annex to Procès-verbal of the Sixty-second Meeting.*

Les délégués expriment le vœu que les deux autres zones ne réclament à la zone internationale aucune partie des sommes avancées ou dépensées dans cette zone sur les fonds de la Caisse spéciale.

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[30951] No. 9.

*Mr. Kennard to Sir Edward Grey.*—(*Received July* 7.)

(No. 183.)

Sir, *Tangier, June* 28, 1913.

WITH reference to my despatch No. 178 of the 23rd instant, I have the honour to report that little progress appears to have been made during the past week in the military operations in the Spanish zone. Fighting has taken place almost daily in the neighbourhood of Tetuan, in which the Spanish forces seem to have had several casualties, including an unduly large proportion of officers, while the tribes are stated to have lost heavily. On the 22nd instant a strong column under General Primo de Rivera advanced some distance from Tetuan along the Tangier road and dispersed a strong force of Angera tribesmen. On the 24th instant a similar operation was carried out on the Tetuan–Sheshowan road, the tribes being dislodged from their positions with heavy loss, and the Spaniards losing 36 men killed, including three officers, and 60 wounded. Details of this engagement will be found in the enclosed despatch from His Majesty's vice-consul at Tetuan, which has reached me viâ Ceuta.* The fact remains that, after almost three weeks of severe fighting, the Spanish forces at Tetuan have only been able to clear the outskirts of the town, and hold positions at Bou Sfeiha and Louzian, about 5 miles from the walls, with some difficulty. It is said that General Alfau is awaiting reinforcements from Spain before undertaking the offensive in a more thorough manner, and I understand that 6,000 men are being sent to Tetuan and 2,000 to Laraiche.

In the Arzila–Alcazar district the tribes have not shown such eagerness to undertake active hostilities. On the 23rd instant an attack was made on Alcazar by tribesmen from the Ahl Serif, who were easily repulsed with some losses. Kaïd R'meeki, who is collecting a "harka" there to suppress the rebellious tribes, pursued the enemy some distance and burnt several villages. Otherwise, beyond minor attacks on convoys, there appear to be no incidents of importance to report from that region.

I learn that Raisuli has now been removed from his position as Kaïd of the Arzila district, and has been replaced by Driss-er-Riffi, who was at one time a follower of Raisuli, but is now on bad terms with him. The latter remains at Zeenats, and the impression still prevails that he is not openly identified with the tribal rising.

* Captain Ewart, No. 38, June 26, 1913.

A promising feature of the situation is the return of numbers of those who went from the Tangier zone to join in the fighting, though my Spanish colleague tells me that natives in the Fahs are still leaving this zone. The general state of affairs here is satisfactory, and the hostilities in the Spanish zone are now regarded by the local population with more indifference; it is to be hoped that this attitude will be maintained when the Spaniards commence to assume the offensive with more activity.

Rumours that British troops are to be landed here appear frequently in the local press, though I fail to see what their source can be. The German Minister told me that he had heard on the best authority that the Basha had told certain natives that British troops were to be landed at Wad Tahadats, the river which forms the extreme south-west boundary between the Tangier and Spanish zones, and that no alarm need be felt as they were only being sent to ensure the security of this zone. I told Baron Seckendorff that, of course, there was no truth in this statement, and that there must be some confusion; it might be possible that the Spaniards were about to disembark men there on their side of the frontier, but they would hardly do so without warning us, and the Spanish Legation are unaware of any such intention. I have made enquiries as to the Basha's statements, but can obtain no confirmation of Baron Seckendorff's report. I have informed everyone who questions me on the subject that His Majesty's Government have at the present moment no intention of sending ships or men here, as the situation in no way requires such a step.

I learn from Mr. Harris that negotiations are in progress to detach the Angera tribe from the anti-Spanish movement with some hopes of success. It is remarkable that hitherto there should have been so little dissension among the tribes engaged in the fighting, and one would have thought that it should have been possible to sow seeds of discord among them before now. I further learn that the prisoners who were taken from the Spanish gunboat "General Concha" by the Riffians have been released.

While the situation in the Spanish zone has not been aggravated, there are no signs at present of any marked improvement. Presumably, when General Alfau receives the reinforcements which are being sent to him from Spain, he will make a determined effort to crush the rising which has now assumed such alarming proportions. One gathers that his policy is largely controlled by the feeling in Spain, and the unpopularity of the campaign there, which has already led to hostile demonstrations in Barcelona and elsewhere.

The present state of affairs, however, cannot be permitted to continue, and the tribes must be made to realise that they cannot interrupt all lines of communication and terrorise the country with impunity. The losses already inflicted on them should be a lesson of some gravity, and the severe punishment which the strengthened Spanish forces should be able to inflict on them should be sufficient to reduce them to submission.

One cannot help feeling that the present movement would not have become so general had the Spaniards displayed more energy not only in a military, but in an economic sense. As I have reported in previous despatches, though they have held Alcazar for more than two years now, they have done nothing to develop it or the surrounding country. The stagnation which pervades the Spanish zone is in marked contrast to the activity in the French protectorate, where roads and railways are being built, and the country is being generally developed politically and economically. While the Spanish Government may not have the capital or initiative to adopt a similar policy, they might have encouraged the introduction of foreign enterprise; but I understand that they look with suspicion on any attempt of this kind, though this is comprehensible in the case of the Mannesman Brothers, who are said to be actively acquiring land throughout northern Morocco.

The native population finds that there is nothing to be gained from the Spanish occupation, as no increase in the employment of labour nor improvement in the general administrative and economic conditions has been introduced as in the Protectorate. They therefore feel all the discomfort of a foreign dominion, and obtain none of the advantages which should accrue therefrom. It is to be hoped that, when the Spanish authorities have gained thorough control over their zone, they will in some degree at any rate imitate the example of their neighbours in the other two zones, which cannot but be adversely affected by the stagnation which at present obtains there.

I am sending copy of this despatch to His Majesty's Ambassador at Madrid.

I have, &c.
H. W. KENNARD.

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[30334]

No. 10.

*Sir Edward Grey to Mr. White.*

(No. 120.)

Sir, *Foreign Office, July 8, 1913.*

WITH reference to my despatch No. 146 of the 18th November last, I transmit to you herewith a copy of a letter,* in which Messrs. E. T. Daniels and Wise make certain enquiries respecting the future opening of the port of Agadir. A copy of the reply which has been returned to the firm is also enclosed herein for your information.*

It will be within your recollection that the suggestion that Agadir should be opened was discussed early in 1911. (See Sir R. Lister's despatch No. 13 of the 30th January, 1911.) His Majesty's Ambassador at Paris was finally instructed to approach the French Government in the matter, and M. Cruppi replied that, before coming to a decision, he desired to consult the French representative in Morocco, especially with regard to the probable effect of the opening of Agadir or Mogador. The question was then dropped owing to the importance assumed by Agadir during the Franco-German Morocco crisis, and it has not been reopened hitherto.

The opening of the port would, however, no doubt still be to the interest of British trade and shipping, and I shall accordingly be glad to learn whether in your opinion the French authorities in Morocco would now be disposed to return a favourable reply to a proposal to that effect.

I am, &c.
E. GREY.

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[31497]

No. 11.

*M. Cambon to Sir Edward Grey.—(Received July 9.)*

*Ambassade de France, Londres,*
M. le Secrétaire d'État, *le 5 juillet*, 1913.

LE Ministre d'Allemagne à Tanger a récemment appelé l'attention de l'agent diplomatique de France sur l'urgence que présente la concession du port de cette ville et sur l'intérêt qu'il voyait à ce qu'elle fût donnée à la Société internationale pour le Développement de Tanger.

Lorsque, dans le courant de 1912, le Gouvernement français avait proposé au Gouvernement britannique de faire délivrer par le Sultan la concession du port de Tanger, votre Excellence avait répondu que le soin de concéder cette entreprise devait être réservé à la future municipalité internationale. Depuis lors, trois représentants du Syndicat international pour le Développement économique de Tanger se sont rendus en mission auprès des membres de la commission chargée d'élaborer le projet de statut de cette ville. Ils ont exprimé, au nom de leurs commettants, le vœu que Tanger "fût doté d'urgence d'un port suffisamment grand et suffisamment bien outillé pour répondre à tous les besoins du commerce." Bien que les membres de la Commission de Madrid ne se soient pas jugés autorisés à discuter cette question, ils ne se sont pas refusés, dans leur séance de clôture, à en constater l'urgence et à la signaler à leurs Gouvernements respectifs.

Le Gouvernement de la république, estimant qu'il y a un intérêt réel à hâter autant que possible la construction du port de Tanger, m'a chargé de demander à votre Excellence si les vues du Gouvernement britannique sont demeurées les mêmes qu'auparavant ou si, au contraire, il ne serait pas disposé à laisser délivrer par le Sultan la concession de ce port.

Au cas où cette procédure serait admise par le Cabinet de Londres, il y aurait lieu de déterminer la société qui recevrait du Sultan la concession administrative du port, tandis que l'exécution des travaux et la fourniture des matériaux resteraient soumises au système général de l'adjudication. En ce qui concerne le choix de la société concessionnaire, le Gouvernement de la république serait disposé à conseiller au Sultan de donner la préférence à la Société internationale pour le Développement de Tanger. Cette société est, comme le Foreign Office ne l'ignore pas, une filiale de la Société marocaine de Travaux publics. Il semble que ses titres soient des plus

* Not printed.

sérieux. Sans parler de sa puissance financière et de la situation de ses administrateurs, elle a cet avantage d'être une compagnie réellement internationale, puisque le proportion des capitaux anglais, qui avait été jugée insuffisante par le Gouvernement britannique dans la Société marocaine de Travaux publics, a été considérablement élevée au détriment de la part française, dans la Société internationale pour le Développement de Tanger. Cette dernière jouit en outre des sympathies du Gouvernement allemand, qui, dans une note du 3 avril dernier, déclarait voir "dans la constitution d'une société filiale de la Société marocaine de Travaux publics une mesure tout à fait utile et désirable, pouvant avoir pour effet de contribuer au développement de Tanger et de favoriser la prompte exécution du port, dont l'intérêt est grand pour le commerce international."

Pour répondre au désir que m'exprime mon Gouvernement, je serais reconnaissant à votre Excellence de bien vouloir me faire savoir si elle voit toujours des objections à ce que la concession administrative du port de Tanger soit donnée par le Sultan et, dans le cas où elle n'en verrait pas, si elle consentirait à ce que cette concession fût octroyée à la Société internationale pour le Développement de Tanger.

Veuillez, &c.

PAUL CAMBON.

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[31614] No. 12.

*Sir F. Bertie to Sir Edward Grey.—(Received July 10.)*

(No. 369.)

Sir, *Paris, July 9, 1913.*

IT is stated in the press that the question of the choice of the future capital of Morocco came up for discussion yesterday before the Commission of Foreign Affairs of the Chamber of Deputies, and that M. Pichon read to the Commission two telegrams which he had received from General Lyautey, in which the Resident-General declared himself in favour of the choice of Rabat, and begged the Government to persuade the Commission to reverse its decision in favour of maintaining Fez as the capital.

After some discussion the Commission is stated to have eventually determined to abide by its former decision. The press states that historical considerations seem to have led the Commission not to rob Fez of its ancient position as capital, and that the arguments put forward by General Lyautey, laying stress on the greater security, the healthier position, and the more general convenience of Rabat were not considered as conclusive enough to justify the change.

I have, &c.

FRANCIS BERTIE.

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[31943] No. 13.

*Sir Edward Grey to Sir M. de Bunsen.*

(No. 28.)

(Telegraphic.) *Foreign Office, July 10, 1913.*

MY telegram No. 26 of 28th June.

Texts of draft Tangier Convention and two "dahirs" (firmans), as amended after joint examination by this Department, Mr. White, and M. Dupeyrat, have been sent to French Ambassador at Madrid for presentation to Spanish Government, together with very full letter of instructions, explaining modifications made in text as sent home in your despatch No. 108 of 6th June.

French Government are very anxious that your Excellency should make similar communication as soon as possible, and have authorised French Ambassador to give you one of his copies of text for this purpose, and further to let you make full use of his letter of instructions in preparing note to Minister of State.

I should have preferred to send instructions and draft texts, but as I understand that explanations furnished to your French colleague enter fully into reasons which guided this Department and M. Dupeyrat in making amendments and modifications now proposed, and as I concur in wording of texts, I have agreed that your Excellency shall make a communication to Minister of State in the manner desired.

My telegram No. 26 has already acquainted your Excellency with two points to which we attach special interest, but you should also point out that article 92 of the "dahir général" now contains a clause, to which we have secured French adhesion,



whereby the powers of the chief executive officer are definitely limited in a way that we trust will fully meet the objections of the Spanish Government.

His Majesty's Government also attach great importance to following points in convention :—

Article 8. We desire absolute freedom for churches of all religions and sects.

Article 17. Spain might similarly waive claim to war indemnity. Practically, concession would only be nominal, as there are probably no revenues in international zone from sources ceded as security for Spanish war indemnity.

Finally, your Excellency should point out great concession to Spanish wishes made by His Majesty's Government in agreeing to any maintenance of consular jurisdiction in Tangier; they consider that it should be agreed that after a period of, say, three years the question of the complete abolition of consular jurisdiction should be reopened; and, so long as it is maintained in the international zone, it will be a matter for consideration by His Majesty's Government whether they can withdraw their consular jurisdiction from the Spanish protectorate.

Your Excellency should inform your French colleague of substance of this telegram in order to avoid any possibility of divergence of views in communications to Spanish Government.

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[31841] No. 14.

*Sir Edward Grey to Earl Granville.*

(No. 252.)

(Telegraphic.) *Foreign Office, July 10, 1913.*

SPANISH Government fear that German Government intend to give protection to Raisuli, though German Government have agreed to wait for documentary proof of Raisuli's complicity in present disturbances in Spanish protectorate in Morocco. Such proof is almost impossible to acquire, though Spanish Government have no doubt of Raisuli's guilt.

But in any case extension of German protection to Raisuli would have deplorable effect in Morocco generally, and especially in Tangier zone, and I have therefore agreed to private request of Spanish Ambassador here that you should consult your Spanish colleague, and, if he agrees, mention unofficially to the Secretary of State the strong hope of His Majesty's Government that Germany, in the general interest of Morocco, will not accord her protection to Raisuli.

Mr. Kennard's despatch No. 154 of this year ("Morocco" print, May 31, section 1) brings this out well, and will give you a good basis for your observations.

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[31965] No 15.

*Earl Granville to Sir Edward Grey.—(Received July 11.)*

(No. 104. Confidential.)

(Telegraphic.) *Berlin, July 11, 1913.*

MOROCCAN Mining Regulations.

Spanish Ambassador informs me confidentially that negotiations here are almost concluded, and that only important amendments agreed to are reduction of dues and institution of special judicial commission, sitting probably at Tangier, to adjudicate on all doubtful cases. He said such advantages as Germany had obtained would be equally advantageous to all other countries.

French Ambassador said that it was useless to tell me about negotiations until they were concluded; that they had gone pretty well here, but that French Government were objecting to certain points.

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[32169] No. 16.

*Earl Granville to Sir Edward Grey.—(Received July 12.)*

(No. 106.)

(Telegraphic.) *Berlin, July 12, 1913.*

YOUR telegram No. 252 of 10th July: Raisuli.

After conversation with the Spanish Ambassador yesterday I took the opportunity this morning to speak unofficially to the Minister for Foreign Affairs.

He declares that the German Government have acted throughout with perfect *bona fides*. German Minister told Spanish Chargé d'Affaires at Tangier on 2nd June that Raisuli had asked for protection, and enquired whether Spanish Government had anything against him, and Spanish Chargé d'Affaires had replied in the negative. They had consequently promised protection to Raisuli, who was strongly backed by Mannesmann Brothers. Then Spanish Government had made representations, and the German Government had now suspended the matter to give Spaniards time to produce some sort of proof against him. They had no desire whatever to make difficulties or to act in an unfriendly manner to Spain, but they must "save their face," and could not withdraw their promise without being given decent proofs of Raisuli's guilt. They had asked for written proofs, but would be satisfied with anything which would carry conviction.

Spanish Ambassador denies that Spanish Chargé d'Affaires at Tangier ever spoke favourably of Raisuli to the German Minister. I told the Minister for Foreign Affairs this, and suggested that there must have been misunderstanding. He said that he was bound to believe his Minister's report. I told him that I had read several reports by His Majesty's Chargé d'Affaires at Tangier, in which he spoke of Raisuli's intrigues against Spain as being matter of common knowledge, and expressed strongest objection to his being given European protection. Minister for Foreign Affairs said he could give me no undertaking, but could assure me that he would gladly refuse protection if he had sufficient grounds for doing so.

It is obvious from what His Majesty's Chargé d'Affaires at Tangier, Minister for Foreign Affairs, and the Spanish Ambassador say that the whole affair is engineered by Mannesmann, who have considerable influence in Germany, and especially in German press.

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[32207] No. 17.

*Mr. Kennard to Sir Edward Grey.*—(*Received July* 14.)

(No. 185.)

Sir, *Tangier, July* 3, 1913.

NOW that the French Protectorate has been in existence some little time, it is interesting to note the results it has attained up to date in the various branches of administration, and I have the honour to append a summary of the more important developments on which articles have appeared lately in the local press. The French authorities have certainly to be congratulated on their tireless energy, for it would appear that remarkable progress has been made in many directions, notably in the domains of public works, health and education. Their military operations, which I described at some length in my despatch No. 159 of the 30th May last, have resulted in the almost complete subjugation of the Tadla, Taza and Soos districts, which will enable them to carry out in the near future their schemes for the extension of the Eastern Morocco Railway from Oujda to Fez and Mequinez, and will assure the security of the latter place and its communications with the sea. In the Soos, the Makhzen forces have re-established their authority, and the Pretender, El Hiba, has been cmopelled to fly to Taroudant.

With regard to the more peaceful works of the Protectorate, we find education claiming an important place. All over the country schools are springing up. Rabat is being provided with a new school for Arabic and the Berber dialects, which will be attended by French officers, while there are already schools at Rabat, Casablanca and Salé for the native troops to learn French.

At Fez, the success of the native schools has led to the projection of a new Moslem College for higher education, while there are flourishing Franco–Arabic schools at Mequinez and Marrakesh. Recently inspectors have travelled through Eastern Morocco and villages in the neighbourhood of Oudja and even as far south as Figuig have been provided with schools.

*Shereefian Finance.*

Various reforms are in contemplation, including the drawing up of a "Règlement de Comptabilité," proper supervision of the workings of the Treasury and the question of the indemnities to be paid to the victims of the Fez and Marrakesh disturbances is to be examined. The "Service des Domaines" is to be improved and the census of landed properties continued, and in this connection the Central Commission at Rabat



has issued new regulations concerning Makhzen properties, the administration of which has been made the subject of a thorough examination.

*Real Estate.*

A registration law has been established and submitted to the Commission instituted in April last, charged with reorganising the regulations governing real estate. The text of this is an adaptation to Moroccan needs of the Torrens Act, which has proved so successful in various French Colonies. It permits of the simultaneous working of the Moorish law governing real estate: proprietors are under no obligation to embrace it, but it is left to time to demonstrate its advantages.

*Shereefian Posts and Telegraphs.*

The Directorship of the Shereefian Posts and Telegraphs, which is soon to be merged in the French system, has been given to M. Valther, late inspector of the Tunisian postal service.

Telegraphic communications are rapidly on the increase. A double telegraphic and telephonic line between Casablanca and Rabat is in course of completion, and an office at Settat was opened to universal service on the 2nd May. The postal communications of Fez and Mequinez with the coast have been much accelerated, for, thanks to the railway, which now carries the courriers from Kenitra to Dar bel Hamri, Mequinez now finds itself only 36 hours from Rabat. During the month of May a great increase in the postal traffic was remarked.

*Travaux publics.*

A start was made with the port works at Casablanca immediately after the adjudication; the project for the *amènagement* of the port of Mazagan is nearly completed; while the project for Mogador will be forwarded shortly to the "Comité des Travaux publics." At Mehedya and Kenitra the construction of all public buildings has been guaranteed by the society "L'Omnium d'Entreprise"; the establishment of lighthouses at Casablanca, Mazagan, Cap Cantin and Cap Sim, and various harbour lights, are in course of preparation, and the Protectorate has taken over and will shortly reorganise the lighter service.

*Roads.*

Steady progress is being made with the roads, notably those between Casablanca and Rabat, Casablanca and Mazagan, Casablanca and Marrakesh, and between Fez, Mequinez and the sea. It is even now possible to travel from Casablanca to Marrakesh by motor.

*Railways.*

(*a.*) The Casablanca–Rabat line has been open some months to traffic, and the returns for March show that over 5,000 passengers were carried and over 2,600 tons of merchandise.

(*b.*) The Kenitra–Dar bel Hamri section of the Rabat–Fez line was finished on the 15th April and is in use, and is being extended from Kenitra to Salé and from Dar bel Hamri to Mequinez.

(*c.*) Some 30 kiloms. of the line from Casablanca inland to Ber Rechid have been laid.

(*d.*) In Eastern Morocco the line from Oujda has been laid as far as Taourirt and, it is stated, is being continued in the direction of Guercif.

*Public Health.*

The service of the "Assistance publique" is being reorganised and divided into military and civil zones, while it is given out that great efforts are being made to arrest the spread of small-pox. There is also an anti-plague crusade in the Shawia. The hospital question is receiving serious attention, and a civil hospital for Europeans is projected for Casablanca and later for Rabat.

*Horsebreeding.*

Lastly, we are given to understand, horsebreeding is in a very flourishing condition, the natives bringing in their best mares and evincing great willingness to assist. Race meetings have been held at Rabat and Mequinez and a *concours hippique* at Marrakesh, all of which were largely attended by the natives. It is a sign indicative of success that an entire squadron of native cavalry has been formed of horses purchased from the natives themselves.

From all the foregoing it will be seen that the development of the country, not only from a military, but also from an economic point of view, is being actively undertaken by the Protectorate.

I have, &c.
H. W. KENNARD.

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[32208] No. 18.

*Mr. Kennard to Sir Edward Grey.—(Received Jaly 14.)*

(No. 186.)

Sir, *Tangier, July 3*, 1913.

WITH reference to my despatch No. 135 of the 5th May, I have the honour to report that it has been officially announced that the Netherlands Legation here is reduced to an agency and consulate-general from the 1st instant. M. Advocaat, the new agent, is expected here at the end of this month. I hear of no other legations being reduced in the immediate future.

The German Minister informs me most emphatically that his Government has no intention of altering the status of the German Legation at present. Baron Seckendorff expects to return here in the autumn, and may remain two or three years, unless some unforeseen arrangement be come to in the meanwhile. This decision of the German Government has naturally caused considerable irritation in French circles, where surprise is expressed that Germany, having recognised the French Protectorate, should still maintain her legation here. Should Baron Seckendorff remain here indefinitely, the French agent will be unable to realise his ambition of becoming doyen of the Diplomatic Body before the international municipality comes into force.

It is generally felt that Germany intends to take a strong line in the Tangier question. Baron Seckendorff told me, when speaking of the possibility of disturbances, that his Government would send a warship to Tangier in the event of other foreign vessels being despatched here. It is thought that Germany may raise certain objections to the manner in which the future régime of Tangier is to be established.

Baron Seckendorff also displays great interest in the construction of the port here, and considers that it should be put in hand with the least possible delay.

There is, further, no doubt that the Mannesman Brothers are actively pushing their interests in this part of Morocco, and acquiring large properties in the Tangier zone.

I have, &c.
H. W. KENNARD.

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[32209] No. 19.

*Mr. Kennard to Sir Edward Grey.—(Received July 14.)*

(No. 187.)

Sir, *Tangier, July 4*, 1913.

WITH reference to my despatch No. 183 of the 28th ultimo, I have the honour to report that the past week has apparently been devoid of any incident of importance in the hostilities in the Spanish zone. The Spanish troops are resting after the severe fighting which culminated in the action of the 24th June, and are awaiting the reinforcements which have been promised from Spain. General Alfau is said to have stated that he will require thirty thousand men to suppress the present rising, and he will not have far short of that number in the two spheres of operations. Negotiations are meanwhile proceeding with the Angera, and even, it is said, with Raisuli, with a view to detaching them from the anti-Spanish movement. The tribes are also resting, and gathering their crops. There is said to be no diminution in the enthusiasm for



the cause, which is assuming the aspect of a holy war, though for the moment directed against the Spaniards only. Information from native sources indicates that there is now a complete organisation of the tribal forces under the Shereef El Hassan, and it has been arranged that each tribe shall furnish a contingent of a certain strength or a monetary contribution.

An American gentleman, who has just returned here through Alcazar and Laraiche, informs me that a panic has broken out in the former place, and the bulk of the European colony has fled to the coast owing to the presence of rebel "harkas" in the neighbourhood.

The German Minister has expressed surprise to me that the three legations should have, on their own initiative, taken the steps reported in my despatch No. 178 of the 23rd ultimo, and that he should not have been consulted in the matter as doyen of the Diplomatic Body. I explained to Baron Beckendorff that the Spanish Government had made representations in London and Paris on the subject of the departure of natives from this zone to Tetuan, and that the three legations had merely sent their scribes to the Basha to recommend certain measures being taken to prevent the violation of the neutrality of the Tangier zone. There had been no intention of disregarding his authority as doyen, and the steps taken had been more in the nature of informal advice than official steps in the common international interests. Baron Beckendorff explained to me that he was only reporting the matter to his Government *à titre d'information*, and did not propose to make any complaint. I told him that, should any occasion arise for discussing the protection of the lives and property of Europeans here, he and the Diplomatic Body would no doubt be consulted, but the present question hardly seemed one which called for the general consideration of our colleagues.

An incident occurred here the day before yesterday which illustrates the difficult position in which this zone is placed in the maintenance of its authority at the present moment. A young Frenchman, who had proceeded with his father, an official of the Public Works Department, to examine works near Tanja Dalia, some five miles from the town, was attacked by a native guide, and so severely injured that he has since died of his wounds. The motive appears to have been robbery, as the assailant, a young Riffi, at once fled with the mule which M. Bouchet was riding. The French extra-urban police were warned of the outrage, and six mounted men, under a Moorish non-commissioned officer, were despatched in pursuit of the assailant. They appear to have come up very close to him, but in the gathering darkness mistook another native riding a mule belonging to the Khalifa of the Wad Ras tribe for the fugitive, and pursued him over the frontier of this zone into the Wad Ras country, not far from Zinats. Suddenly armed tribesmen appeared on the crests of the hills, and began firing on the police, who, while returning the fire, retired, leaving the non-commissioned officer to parley with the tribesmen. The latter explained that they had mistaken the police for Spanish troops, and the "maoun" pointed out that they were merely pursuing the fugitive criminal from this zone. He was then permitted to return to barracks with a letter of explanation from the Khalifa of the tribe. It is said that Raisuli also went to the scene of the firing, and enquired if he could be of any assistance.

The fugitive, who apparently boasted that he had killed a Spaniard, and was on his way to join in the holy war, has not been apprehended as yet, but negotiations are in progress to obtain his arrest.

It is unfortunate that the police, in their eagerness to catch the offender, should have crossed the frontier, and thus become involved in a skirmish with the tribesmen, who no doubt did mistake them in the darkness for Spanish troops, and I have suggested to the French agent that very strict orders should be given to the extra-urban police never to do so again. As it is, the incident has been closed satisfactorily, though it is to be hoped that it will be found possible to secure the delivery of the criminal by the tribes.

I have discussed with M. de Valdrôme the manner in which the police tabors are to be brought up to full strength. He points out with some force that it would be impolitic to engage raw recruits at the present, or to look for men in this or the Spanish zone, where the local feeling runs high in connection with the existing hostilities. It is therefore necessary to find natives in the protectorate who have already served in the Shereefian or French forces. There is only a shortage of forty men out of a total of five hundred, and in order to ensure the loyalty of the force an *encadrement* of Algerian tirailleurs would have been preferred by Commandant Toulat. In deference, however, to the desire of His Majesty's Government efforts

will be made to secure the Moorish troops only. As a matter of fact, the objection to Algerians does not seem so great in a case where only forty men are required, as in that suggested by M. de Valdrôme, where a further 500 men would have been added to the force. The Spanish police of 250 men are believed to be about eighty-five men short of their strength, and their commanding officer is attempting to make good this deficiency by recruits from the south.

The situation here remains calm, and the local French press have commented, with commendable restraint, on the murder of M. Bouchet. The French contractor for the Sharf el Akab road is claiming an indemnity from the Public Works Committee, as he states that he cannot find workmen on account of the "insurrection" in the Fahs. It is, I believe, impossible to obtain Spanish labour now for the outlying districts, but there is no question of an insurrection in the Fahs, and it is thought that the contractor is merely trying to evade his engagements, as he could no doubt obtain a police guard, and native labour if necessary.

I am sending copy of this despatch to His Majesty's Ambassador at Madrid.

I have, &c.
H. W. KENNARD.

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[32210] No. 20.

*Mr. Kennard to Sir Edward Grey.—(Received July* 14.)

(No. 188.)
Sir, *Tangier, July* 5, 1913.

WITH reference to my despatch No. 154 of the 24th May last, I have the honour to report that I have for some time past heard that Raisuli had actually received German protection. This morning the Spanish Chargé d'Affaires told me that the Mannesman Brothers had applied for the ex-Kaïd's protection as their agent, and that the application had been submitted to the consideration of the German Government. In view of the representations of the Spanish Government, it has now been decided in Berlin to postpone any action in the matter until an enquiry has been made into the charges made against Raisuli of conspiring against the authorities in the Spanish zone, and instigating the tribes to rebellion.

Señor Lopez Roberts asked me whether I could use any influence with Raisuli, through El Menebhi or others, to dissuade the ex-Kaïd from accepting German protection. I told him that I thought that Menebhi would have little influence with Raisuli in a matter of this kind, and that I considered that it would be better that strong representations should be made at Berlin regarding the undesirability of any such step.

Whether Raisuli has openly intrigued against the Spanish authorities or not, he will always be an element of discord for this and the Spanish zone, and I consider that it would be little short of a public scandal to grant protection at the present moment to a person with such a record. The German Minister, to whom I expressed these views, agreed, but lamely added that he could not withstand the pressure of the Mannesman Brothers, who were determined to have Raisuli as their agent.

Señor Lopez Roberts informs me that Raisuli visited the German Legation last night, but has again returned to Zintas.

I have, &c.
H. W. KENNARD.

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[32358] No. 21.

*M. Cambon to Sir Edward Grey.—(Received July* 14.)

*Ambassade de France, Londres,*
M. le Secrétaire d'État, *le* 10 *juillet*, 1913.

PAR une lettre en date du 23 juin dernier, votre Excellence a bien voulu me faire connaître son sentiment sur les suggestions qui ont fait l'objet de mon mémorandum du 16 de ce mois, relativement aux mesures que rend désirable le maintien de l'ordre et de la sécurité à Tanger et dans les environs.

Je n'ai pas manqué de transmettre la communication de votre Excellence à mon Gouvernement, qui a été heureux de constater que le Gouvernement britannique donne son assentiment à la proposition de compléter à plein effectif les deux tabors de



police, de prolonger de six mois l'existence de cette force armée et de maintenir le Commandant Toulat à la tête du tabor français. Toutefois, M. Pichon a regretté que votre Excellence n'eût pas cru devoir accueillir l'idée de doubler l'effectif actuel des tabors de police de Tanger, et il m'a chargé d'appeler de nouveau votre attention sur ce point.

Le Gouvernement français ne partage pas la confiance du Gouvernement britannique dans les moyens dont disposeront les tabors de Tanger, même après que leurs effectifs auront été complétés, pour garantir l'ordre et la sécurité dans cette ville et dans la zone qui en dépend. Le moins que l'on puisse conclure des dernières nouvelles reçues de Tanger est que la sécurité y est précaire, qu'une effervescence inquiétante règne parmi les tribus du voisinage, et que la population de la ville est loin d'être complètement rassurée.

Pour mettre Tanger à l'abri d'une attaque possible et inspirer à ses habitants une réelle sécurité, il ne saurait suffire de porter les tabors à leur effectif plein : le doublement de ces effectifs répondrait mieux aux nécessités d'une situation instable et troublée. Il permettrait à la ville de Tanger de pourvoir par ses propres moyens à sa propre défense sans avoir besoin de faire appel à un secours venu de l'extérieur. Il aurait cet autre avantage d'épargner aux Gouvernements intéressés la peine de prévoir des mesures d'exception, qui leur imposerait des charges et leur susciterait des difficultés.

Telles sont les raisons pour lesquelles mon Gouvernement m'a chargé de demander à votre Excellence d'examiner de nouveau s'il n'y avait pas lieu de donner à la ville de Tanger, en doublant l'effectif de ses tabors, les moyens de se défendre elle-même.

Veuillez, &c.
PAUL CAMBON.

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[32278] No. 22.

*Sir F. Bertie to Sir Edward Grey.—(Received July* 14.)

(No. 377.)
Sir, *Paris, July* 11, 1913.

I HAVE the honour to transmit to you herewith copies of the report of the Committee for Foreign Affairs of the Chamber of Deputies on the Bill, copies of which were enclosed in my despatch No. 146 of the 20th March, for authorising the Government of the protectorate of Morocco to contract a loan for 230,000,000 fr. (9,200,000*l.*). The reporter of the Committee, M. Long, states in the introduction to the report that the loan has a double object, namely, to settle up the past and to prepare the future, and that the occasion is a favourable one for recording the work which has already been accomplished, and for examining the financial situation and the various projects for which the loan is to be made. The report is accordingly drawn up under the following five headings: French action in Morocco, military and civil, between the 24th May, 1912, and the 12th June, 1913; the liabilities of the Makhzen; public works; public services; and the financial situation. As will be seen on examining the text of the Bill recommended by the Committee, the amount of the proposed loan is considerably reduced, viz., to 148,409,132 fr. (5,936,365*l.*), owing chiefly to the elimination of the sum of 70,000,000 fr. (2,800,000*l.*) on account of the indemnity due by Morocco to France under the agreement of the 21st March, 1910. The views of the Committee on this subject are that it would be absurd to compel the protectorate to make repayments to the mother country on a loan, the service of which the latter has to assume on account of the present state of the finances of Morocco. The reporter points out that "on ne peut envisager comme un remboursement réel le fait de se faire verser par son créancier une somme dont on payera les intérêts au tiers prêteur. L'opération projetée ne constituerait, en dernière analyse, qu'un emprunt contracté par la France sous le couvert du Maroc."

In the conclusion of the report, M. Long observes that the sooner the work of civilisation, to which the loan is to be devoted, is carried out, the sooner it will be possible for France to reduce her military sacrifices, both in men and money.

I have, &c.
FRANCIS BERTIE.

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Enclosure in No. 22.

*Extract from Report authorising the Government of the Protectorate of Morocco to contract a Loan for 230,000,000 de francs.*

*Conclusions.*

NOUS le disions, au début de ce rapport, l'emprunt du Maroc présente un double caractère.

Il s'agit de liquider les dettes de l'ancien Makhzen. Il faut permettre au nouveau protectorat de s'organiser administrativement et de créer son premier outillage économique.

D'une part, en incorporant dans l'emprunt une dette flottante dont certains éléments sont productifs d'intérêts élevés, nous simplifierons et assainirons la situation financière du protectorat. D'autre part, les travaux à exécuter constituent des dépenses productives soit par les taxes directes dont ils amèneront la perception, soit par les produits indirects qui viendront augmenter les ressources budgétaires.

Ainsi, tout retard éloignerait d'autant le moment où le Maroc pourra se suffire et, par conséquent, se passer du concours financier de la métropole.

Mais, surtout, il faut bien se dire que plus vite nous réaliserons l'œuvre civilisatrice à laquelle l'emprunt est destiné, plus tôt il nous sera possible de diminuer nos sacrifices militaires, en argent et en hommes.

Des ports, des routes, des chemins de fer, des télégraphes, voilà le vrai moyen d'arriver à réduire nos effectifs en doublant leur action.

La mise en valeur du pays, l'éclosion rapide d'œuvres civilisatrices, écoles, hôpitaux, ne peuvent manquer aussi d'avoir une heureuse influence pacificatrice. L'indigène, auquel on achète ses récoltes, qui travaille dans nos chantiers, est maintenu dans l'ordre par ses intérêts matériels. Quand il consulte nos médecins et envoie ses enfants dans nos écoles, sa vie sociale se transforme au fur et à mesure qu'il peut se rendre compte que nous ne voulons pas le traiter en vaincu, mais l'associer à notre œuvre. Il ne suffit pas de nous appuyer sur une force vigilante ; il faut apporter aux populations marocaines des profits matériels, et suivre à leur égard une politique de justice et de générosité.

Le projet de loi qui vous est soumis fournira au Gouvernement les moyens d'assurer ainsi, sur des bases chaque jour plus fermes, le développement du Maroc français.

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*Projet de Loi.*

Article 1er. Le Gouvernement du protectorat de Maroc est autorisé à réaliser, par voie d'emprunt et à un taux qui ne pourra excéder 4½ pour cent, amortissement compris, une somme de 148,409,132 fr., remboursable en soixante-quinze années et applicable aux seuls objets ci-après :—

| | Fr. | Fr. |
|---|---|---|
| 1. Payement des dettes contractées par le Makhzen : dettes diverses .. | | 23,959,132 |
| 2. Indemnités aux victimes des événements de Fez, de Marrakech, &c. .. | | 5,000,000 |
| 3. Travaux du port de Casablanca .. .. .. .. | | 50,000,000 |
| 4. Travaux de routes au Maroc .. .. .. .. .. | | 26,250,000 |
| 5. Installation des services publics .. .. .. .. | | 3,000,000 |
| 6. Construction, aménagement, installation— | | |
| (*a.*) D'hôpitaux, d'ambulances, de dispensaires, de bâtiments divers pour l'assistance médicale .. | 10,000,000 | |
| (*b.*) D'écoles, de collèges, de bâtiments divers pour l'instruction publique .. .. | 10,000,000 | |
| (*c.*) De lignes et de postes télégraphiques et téléphoniques, de bureaux postaux ou télégraphiques .. | 10,700,000 | |
| | | 30,700,000 |
| 7. Premières dépenses nécessitées par la mise en valeur des forêts du Maroc .. .. .. .. | 2,000,000 | |
| Irrigations et champs d'essai .. .. .. .. | 500,000 | |
| Exécution de la carte du Maroc .. .. .. | 500,000 | |
| Premiers travaux d'exécution du cadastre .. .. | 1,500,000 | |
| | | 4,500,000 |
| 8. Subvention aux villes du Maroc pour travaux municipaux .. .. | | 4,500,000 |
| 9. Études de lignes de chemin de fer .. .. .. .. | | 500,000 |
| Total .. .. .. .. .. | | 148,409,132 |



Les fonds reconnus disponibles sur les évaluations portées à la présente loi pourront être affectés, par voie de décret rendu sur le rapport du Ministre des Affaires Étrangères, après avis du Ministre des Finances, à l'un quelconque des objets prévus au programme.

Art. 2. L'ouverture des travaux divers désignés à l'article 1er ci-dessus, aura lieu, sur la proposition du Commissaire-Résident général, en vertu d'un décret rendu sur le rapport du Ministre des Affaires Étrangères, après avis du Ministre des Finances.

Art. 3. L'emprunt sera réalisé par fractions successives au fur et à mesure des besoins. La réalisation de chacune de ces tranches sera autorisée par un décret du Président de la République, rendu sur la proposition des Ministres des Affaires Étrangères et des Finances.

La première tranche de l'emprunt ne pourra appliquer qu'une somme de 2,500,000 fr. aux constructions, aménagements et installations d'hôpitaux, d'ambulances, de dispensaires et de bâtiments divers pour l'assistance médicale, et qu'une somme de 4,0000,000 de francs aux constructions, aménagements et installations d'écoles, de collèges et de bâtiments divers pour l'instruction publique.

Le rapport à l'appui des décrets autorisant la réalisation des parties successives de l'emprunt fera connaître l'emploi des fonds antérieurs, les noms des parties prenantes, des frais de publicité, l'avancement des travaux, les dépenses restant à effectuer, et ce rapport devra en outre établir :

1. Que les projets définitifs des travaux à entreprendre et, s'il y a lieu, les projets de contrat relatifs à leur exécution, ont été approuvés par le Ministre ;
2. Que l'évaluation des dépenses des nouveaux ouvrages à entreprendre, augmentée de l'évaluation rectifiée des dépenses des ouvrages déjà exécutés ou en cours d'exécution, ne dépasse pas le montant de l'emprunt autorisé par la présente loi.

Ce rapport sera publié au "Journal officiel" de la République française en même temps que le décret autorisant l'ouverture des travaux.

Art. 4. L'annuité nécessaire pour assurer le service des intérêts et de l'amortissement de l'emprunt autorisé par la présente loi sera inscrite obligatoirement au budget général du protectorat marocain ; le payement en sera garanti par le Gouvernement de la République française.

Les versements faits au titre de la garantie constitueront des avances remboursables, non productives d'intérêts.

Le Gouvernement du protectorat devra, aussi longtemps qu'il fera appel à la garantie de l'État français ou lui restera redevable d'avances consenties à ce titre, affecter au service de l'emprunt ou au remboursement desdites avances 50 pour cent au moins de l'excédent de ses recettes brutes de toute nature au delà de 25,000,000 de francs.

Le payement des intérêts et le remboursement des obligations seront effectués à Paris.

Art. 5. Le Ministre des Affaires Étrangères publiera, avant le 1er juillet de chaque année, au "Journal officiel" de la République française, un rapport faisant ressortir la situation au 31 décembre précédent de chacun des travaux imputés sur l'emprunt autorisé par la présente loi. Ce rapport donnera également, pour chacun de ces travaux, l'évaluation rectifiée tenant compte de toutes les circonstances qui, à cette date, auront pu motiver une modification de l'évaluation primitive.

Art. 6. Le Gouvernement français autorise le Gouvernement du protectorat à disposer de l'excédent des revenus affectés au service de l'emprunt de 90,000,000 de francs contracté en vertu de l'accord du 21 mars, 1910, et à différer le versement de l'annuité de 2,740,000 fr. prévue par l'article 4 du même accord pour le remboursement en soixante-quinze années des dépenses militaires et navales, dont le montant a été arrêté au 31 décembre, 1909, à la somme de 70,000,000 de francs, jusqu'au moment où le Gouvernement français estimera que l'état des finances chérifiennes permet de commencer le service de cette annuité.

Art. 7. Les actes susceptibles d'enregistrement, auxquels donnera lieu l'exécution des dispositions de la présente loi, seront passibles du droit fixe de 3 fr.

[31497] No. 23.

*Sir Edward Grey to M. Cambon.*

Your Excellency, *Foreign Office, July* 15, 1913.

IN your note of the 5th instant, your Excellency was good enough to enquire whether His Majesty's Government still entertained any objections to the concession for the construction and exploitation of a harbour at Tangier being granted by the Sultan prior to the establishment of the municipality, and, if not, whether they would consent to the concession being given to the Société internationale pour le Développement de Tanger.

In reply, I have the honour to inform your Excellency that His Majesty's Chargé d'Affaires at Tangier has already been instructed to inform his French, German, and Spanish colleagues that His Majesty's Government have come to the conclusion that the subsidiary company of the Compagnie marocaine de Travaux publics offers the best prospect of an early and satisfactory construction of the port works, and to suggest that the Société internationale should accordingly be invited to submit a scheme for the approval of the Powers interested in the question.

I have, &c.
E. GREY.

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[32358] No. 24.

*Sir Edward Grey to Mr. White.*

(No. 30.)
(Telegraphic.) *Foreign Office, July* 16, 1913.

MY telegram No. 26 and despatch No. 110 of 23rd June.

French Government intimate that it appears from their latest reports that the safety of Tangier is precarious, that disquieting activity prevails among the neighbouring tribes, and that the population of the town is distinctly nervous.

In these circumstances they do not share confidence of His Majesty's Government in the ability of the existing police force, when brought up to full strength, to maintain order and security in the international zone, and they renew the suggestion that the force should be doubled with the view to enable Tangier to provide for its own defence without fear of being compelled to call in help from outside.

I propose to reply to French Ambassador that His Majesty's Government still consider that for the moment it will be sufficient to bring the effective of the present force up to full strength.

Do you agree that this will meet the requirements of the situation ?

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[32854] No. 25.

*Mr. White to Sir Edward Grey.—(Received July* 17.)

(No. 193.)
Sir, *Tangier, July* 10, 1913.

WITH reference to Mr. Kennard's despatch No. 187 of the 4th instant, relative to events in the Spanish zone, I have the honour to report that news which I have just received from the British consular agent at Alcazar does not bear out the reports from French sources which are current here. From a conversation which I had with the French agent, I gathered that the situation at Alcazar and in the neighbourhood was extremely critical, and that there had been actually fighting in the streets of that town. Mr. Carleton reports that on the morning of the 7th instant Alcazar and the Spanish camp outside the walls were attacked by a horde of mountaineers, who were repulsed with loss. Soon after, however, a body of Spanish cavalry, eighty strong, which started in pursuit, were surrounded by tribesmen within sight of the town, and lost sixteen men killed, the officer in command, and eighteen men being wounded. The rebels' success was short-lived, for the artillery immediately opened fire from the town, and they fled in disorder. It is reported that some 7,000 men took part in the attack on the town, many of whom belonged to tribes in the French zone.

This incident might be the foundation of the alarming rumours which were current, as the tribes have met with no other success, but have been completely routed.



General Silvestre pursued them into the mountains with two columns, captured the "harka's" camp, burnt several villages, and inflicted heavy losses on the rebels, while the Spanish casualties on this expedition number only five men, and a lieutenant-colonel wounded, while, apart from the losses sustained by the small body of cavalry in their unfortunate charge from the camp, the troops defending the town suffered no loss whatever. It is estimated that the tribes lost over 100 killed and wounded during the attack on the town, for some eighty bodies have been discovered round the walls.

Mr. Carleton states that the rebel "harka" has been entirely dispersed, and does not believe that the tribes will venture to make a further attack on the town.

I am sending copy of this despatch to His Majesty's Ambassador at Madrid.

I have, &c.
H. E. WHITE.

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[33072] No. 26.

*Sir M. de Bunsen to Sir Edward Grey.—(Received July* 17.)

(No. 27.)
(Telegraphic.) R. *San Sebastian, July* 17, 1913.

TANGIER.

French Ambassador is instructed to consult me as to substitution of an amended text of article 13 of the draft convention for text as it now stands. Object is to explain meaning of second paragraph. According to proposed new text, paragraph 1 will stand as it is. Article then proceeds to quote from article 8 of Tangier–Fez Railway Protocol words from "chacune des trois sections" to "sera fixé par acte de concession." It then states that said concession must comply with following stipulations relating to port of Tangier :—

1. Railway company may lay free of cost on the quays, moles, and "terre-pleins" of the port the rails required for service of said quays, &c., and of other installations of the port.

2. Should company have to set up on land belonging to port other installations, such as stations, offices, warehouses, and sheds for rolling stock, it would pay for reclaimed ground thus occupied a sum in relation with cost incurred.

3. Entire cost of maritime stations to be regarded as common expenses, to be equitably divided between the three sections.

Am I authorised to accept new text, which appears to me much clearer than the old one ?

Foregoing is almost verbatim translation, but I am forwarding full text by post.

(Repeated to Tangier.)

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[32989] No. 27.

*Mr. White to Sir Edward Grey.—(Received July* 17.)

(No. 35.)
(Telegraphic.) *Tangier, July* 17, 1913.

YOUR telegram No. 30 of 16th July : Unrest in Morocco.

I entirely agree. I have made enquiries amongst natives and see no reason to fear troubles here ; even French Chargé d'Affaires tells me that the only danger he anticipates is from tribesmen who may come here should they be severely defeated in Spanish zone.

It is true that some nervousness exists, principally among Jewish population, owing to an affray that took place during celebration of French national fête, when a Moor was killed by the police, but the majority of foreign population have no fear.

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[33072] No. 28.

*Sir Edward Grey to Mr. White.*

(No. 31.)
(Telegraphic.) *Foreign Office, July* 18, 1913.

MADRID telegram No. 27 of 17th July : Tangier Convention.

Please telegraph your observations on new wording suggested.

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[33129] No. 29.

*Memorandum communicated to M. Cambon.*

AS soon as the British and French Governments have arrived at a final settlement of the arrangements for the establishment of an international municipality at Tangier, His Majesty's Government, so far as they are concerned, will be prepared to recognise the French protectorate in Morocco, outside of the Tangier district as defined by article 2 of the draft convention recently prepared in Madrid.

*Foreign Office, July* 18, 1913.

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[33203] No. 30.

*Mr. White to Sir Edward Grey.—(Received July* 19.)

(No. 194.)

Sir, *Tangier, July* 11, 1913.

THE summary of the scheme for the internationalisation of Tangier, which has been published in the "Echo de Paris," has naturally given rise to much comment in Tangier. The French colony generally are dissatisfied, and complain that France has made too many concessions, and has seriously weakened her position at Tangier. M. de Valdrôme, I understand, criticises the scheme very freely, especially as regards the concessions made to Spain. Sid Ali Zaki, who is himself very unhappy, as he hoped that France would secure his appointment as Commissaire-Administrateur, or, at any rate, that he would have a safe seat in the Municipal Assembly as nominated Moorish member and be elected president of that body, informed me that the Moors are disappointed at not securing a larger representation on the Assembly. I have not yet, however, been able to ascertain the true Moorish feeling on the subject; of course, such Moorish notables as have spoken to me regarding the future régime have expressed themselves pleased, but that they would do, whatever their feelings might really be. Mr. Harris, however, who is in contact with the leading Moors, tells me he has as yet heard no complaints from them.

The provisions of the scheme which have been most criticised are (1) the election of the kadi, whom the French would like to see appointed by the Sultan, and (2) the appointment of a Spanish officer to command the military police. As regards the first point, it is certainly a new departure to allow the people to elect their kadi, and it is not a procedure which I should myself have adopted, had it not been for the desire expressed by the Moorish delegates and the insistence of the Spanish Government; on the other hand, I should certainly have been opposed to allowing the Sultan to select and appoint the kadi.

As regards the command of the military police, there is, I think, little doubt that the French police instructors at Tangier are more competent than the Spanish; M. Dupeyrat, however, was anxious that a Frenchman should be appointed as chief of the civil police, and it was he who proposed to place a Spanish officer in command of the military police. This arrangement seemed reasonable, as it would facilitate co-operation between the police and the Spanish forces over the border. I, therefore, raised no objection to the proposal which, of course, was very welcome to the Spanish Government. On the other hand, I think it would certainly be dangerous to make the change until the present disturbances are at an end and the district pacified. The extra-urban police have hitherto been respected by the tribesmen because they are regarded as a French force, and recently, when one of their number was captured whilst in pursuit of the murderer of the Frenchman who was killed near Tangier, he was released on the French commandant assuring the tribesmen that he belonged to the French police. If the extra-urban police were now to be placed under the command of a Spanish officer, it would almost certainly be regarded as a Spanish force, and the fighting might be extended into the Tangier zone.

I am sending copy of this despatch to His Majesty's Ambassador at Madrid.

I have, &c.

HERBERT E. WHITE.

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[33206] No. 31.

*Mr. White to Sir Edward Grey.—(Received July* 19.)

(No. 197.)

Sir, *Tangier, July* 14, 1913.

I HAVE the honour to report that, with the exception of the fighting at Alcazar, details of which I gave in my despatch No. 193 of the 10th instant, nothing of importance has occurred in the Spanish zone during the past week.

Hostilities in the Tetuan district appear to have been confined to desultory attacks by tribesmen on the Spanish outposts, and to unimportant skirmishings.

I am informed by His Majesty's vice-consul at Tetuan that the basha of that town requested the foreign consuls to order their ressortissants and protégés to deliver up all arms. After consultation with his German colleague, Captain Ewart agreed with Herr von Blücher that they should both send a reply to the basha in similar terms, to the effect that, in order to help the Makhzen, he had ordered his protégés to bring in their arms, but that he had not required British subjects to surrender theirs. Captain Ewart states likewise that, to the best of his knowledge, Spanish subjects have not been called upon to give up their arms.

Turning to Arzila, I have been informed by the British consular agent there that he has learnt from confidential sources that the Beni Aros tribesmen have come to an agreement to seize all Europeans travelling between Tangier, Arzila, Laraiche and Alcazar; and that, for this purpose, they have posted parties at various strategical points between Tangier and those places. There is, of course, no doubt that travelling in the Spanish zone at present is unsafe, and that it will continue to be so until the Spanish authorities, by energetic and concerted military action, have pacified their zone, and have brought about free communication between their forces in the Tetuan and Alcazar-Laraiche districts.

I have, &c.

HERBERT E. WHITE.

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[33242] No. 32.

*Sir M. de Bunsen to Sir Edward Grey.—(Received July* 19.)

(No. 131.)

Sir, *San Sebastian, July* 17, 1913.

WITH reference to my telegram No. 27 of to-day, I have the honour to report that the text of article 13 of the draft of the Tangier Convention which the French Ambassador is instructed to substitute, if I concur, for the article as it stands in the revised text of the 27th June, 1913, is as follows:—

"*Article* 13.

"La ligne du Chemin de Fer Tanger–Fez sera construite et exploitée dans les conditions déterminées par le protocole annexé à la Convention franco-espagnole du 27 mars, 1912, comme il est dit à l'article 20 de la convention.

"Ainsi qu'il est dit à l'article 8 dudit protocole, "chacune des trois sections de la ligne française, espagnole et tangéroise donnera lieu à des comptes annuels distincts en ce qui concerne, d'une part, le premier établissement; d'autre part, les travaux complémentaires; et, enfin, l'exploitation. Les règles à suivre pour la répartition des recettes et des dépenses entre les trois sections et, dans chacune d'elles, entre les trois comptes ci-dessus, seront fixées par l'acte de concession"; cet acte de concession devra notamment prévoir les stipulations ci-après relatives au port de Tanger.

"La Compagnie du Chemin de Fer de Tanger à Fez pourra poser gratuitement sur les quais, môles et terre-pleins du port les rails nécessaires pour desservir lesdits quais, môles et terre-pleins et autres installations du port.

"Dans le cas où la Compagnie du Chemin de Fer de Tanger à Fez aurait, en outre, à installer sur des terrains dépendant du port d'autres installations, telles que gares de voyageurs, bureaux, magasins, dépôts de marchandises, remises de matériel roulant, elle aurait à payer pour les espaces ainsi occupés par elle, et qui auraient été gagnés sur la mer, une somme en rapport avec les dépenses effectuées.

"Toutes les dépenses relatives à la gare maritime seront considérées comme dépenses communes à répartir équitablement entre les trois sections."

I shall be glad to learn by telegraph if you desire me to substitute the proposed new text for the old one in the draft convention for communication to the Spanish Government in the note which I am preparing under your instructions.

I am forwarding copy of this despatch to His Majesty's Chargé d'Affaires at Tangier.

I have, &c.
MAURICE DE BUNSEN.

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[33344] No. 33.

*Mr. White to Sir Edward Grey.—(Received July 19.)*

(No. 36.)
(Telegraphic.) *Tangier, July 19, 1913.*

YOUR telegram No. 31 of 18th July: Tangier Convention.

I am not quite sure as to the sum it is proposed should be paid for reclaimed land. The amount should be, in my opinion, full market value. Otherwise I see no objection to new text.

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[33368] No. 34.

*Mr. White to Sir Edward Grey.—(Received July 20.)*

(No. 37.)
(Telegraphic.) R. *Tangier, July 20, 1913.*

YOUR despatch No. 114 of 2nd July: Tangier port works.

My French, German, and Spanish colleagues agree to invite the International Company to present scheme as suggested, addressing it to doyen of Diplomatic Body. Company have never made any application to Diplomatic Body, nor have they any agents here, so we think communication had better be made through their representative in our respective countries. My colleagues are telegraphing in this sense to their Governments. Could communication be made to Mr. Norton?

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[33242] No. 35.

*Sir Edward Grey to Sir M. de Bunsen.*

(No. 30.)
(Telegraphic.) *Foreign Office, July 21, 1913.*

YOUR despatch No. 131 of 17th July: Tangier Convention.

I agree to new text of article 13, except on the following point:—

I consider that municipality should receive from railway full market value of reclaimed land occupied by latter for buildings, &c. You should therefore substitute for "une somme . . . . effectuées," at end of paragraph 4, some phrase such as "a price calculated on the full market value of the land."

Your Excellency should point out to your French colleague that it is only equitable that the municipality should not be deprived of the profits which it would otherwise acquire by selling or leasing this land for business purposes.

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[32989] No. 36.

*Sir Edward Grey to M. Cambon.*

Your Excellency, *Foreign Office, July 21, 1913.*

IN a note dated the 10th instant your Excellency was good enough to intimate that it appeared from the latest reports received by the French Government that the safety of Tangier was precarious, that disquieting activity prevailed among the neighbouring tribes, and that the population of the town was distinctly nervous. In these circumstances your Excellency was instructed to renew the suggestion that the existing police force in the international zone should be doubled, in order to enable Tangier to provide for its own defence without fear of being compelled to call in help from outside.



On receipt of your Excellency's communication I did not fail again to consult His Majesty's representative at Tangier in the matter, and I have now the honour to inform your Excellency that a telegram has been received from Mr. White reporting that he has made careful enquiries, but that he sees no reason to fear troubles in the international zone, and that there is now no nervousness amongst the great majority of the foreign residents.

His Majesty's Government cannot accordingly but remain of the opinion that it will be sufficient to bring the present police tabors up to their full strength, without increasing their numbers beyond that point—a course which His Majesty's Government would contemplate with great reluctance, as any step which would tend unnecessarily to burden the slender resources of the future municipality is, in their view, much to be deprecated.

I have, &c.
E. GREY.

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[33747] No. 37.

*M. Cambon to Sir Edward Grey.—(Received July 22.)*

*Ambassade de France, Londres,*
M. le Secrétaire d'État, *le 18 juillet, 1913.*

AU cours d'un récent entretien, j'ai eu l'occasion de signaler à Sir Arthur Nicolson l'importance qu'attachait mon Gouvernement à voir le Cabinet de Madrid être mis au courant le plus tôt possible de l'entente officieusement intervenue entre le Ministère des Affaires Étrangères et le Foreign Office au sujet du statut de Tanger.

J'ignore aujourd'hui ce qui a été fait à Madrid, si la conversation y a été bien engagée avec le Ministre d'État, et si, comme nous le désirions, Sir Maurice de Bunsen a été autorisé à emprunter un des textes de projet d'accords envoyés d'urgence à M. Geoffray pour le soumettre conjointement avec ce dernier à l'examen du Gouvernement espagnol.

Quoiqu'il en soit, et dans le but de faciliter la tâche commune des représentants de la France et de l'Angleterre à Madrid, j'ai l'honneur de communiquer ci-joint à votre Excellence le texte même des instructions adressées à M. Geoffray par M. le Ministre des Affaires Étrangères au sujet du statut de Tanger. Il serait souhaitable que Sir M. de Bunsen pût concerter les démarches qu'il devra faire sur cette question avec celles de notre Ambassadeur, notamment sur les points qui n'ont pas été jusqu'ici l'objet d'un accord avec l'Espagne.

Veuillez, &c.
PAUL CAMBON.

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Enclosure in No. 37.

*M. Pichon to M. Geoffray (French Ambassador at Madrid).*

*Paris, le 8 juillet, 1913.*

J'AI l'honneur de vous adresser sous ce pli, en triple exemplaire, les textes relatifs au projet du statut de Tanger, tels que le Gouvernement britannique est disposé à les ratifier, après l'entretien officieux qu'ont eu récemment à ce sujet le Sous-Secrétaire d'État adjoint du Foreign Office et le chef du Bureau du Maroc au Département.

Vous observerez tout d'abord que l'organisation judiciaire de la future zone internationale fait l'objet d'un projet de décret chérifien spécial, et non plus simplement d'un chapitre du Décret organique général. Ce changement, de pure forme, a été décidé à la demande du jurisconsulte anglais qui avait été adjoint à Mr. White à Madrid. Mr. Brunyate a justifié sa proposition en faisant remarquer que le Tribunal projeté ne devait pas être une institution municipale à proprement parler, puisque, pour une large part, sa compétence juridictionnelle sera due à l'abandon par les Puissances d'un certain nombre de leurs privilèges consulaires.

J'ai pris soin de faire souligner à l'encre rouge dans chacun des documents qui vous sont aujourd'hui communiqués les additions ou modifications opérées par rapport aux textes proposés par la Commission mixte. Vous trouverez ci-après un bref commentaire explicatif de ces améliorations.

1. *Projet de Convention.*

Les premiers articles du projet de convention ont été assez largement remaniés, sans que pourtant ces remaniements ajoutent ou retranchent quoi que ce soit à leur sens. On a cependant jugé opportun de préciser, au nouvel article 3, que la délégation de pouvoirs du Sultan ne déroge pas aux dispositions de l'article 5 du Traité franco-chérifien de protectorat, et que, par conséquent, la municipalité ne sera qualifiée pour traiter directement avec les agents des Puissances les questions l'intéressant que dans la limite de son autonomie. Il était important pour nous qu'aucune équivoque ne pût naître sur ce point, et que les intentions, d'ailleurs non douteuses, de la Commission de Madrid, fussent nettement exprimées.

L'article 8, relatif à l'exercice des cultes, a été laissé en blanc par un souci de courtoisie qu'on appréciera sans doute à Madrid. Mais j'ai prié Sir Edward Grey de vouloir bien inviter son Ambassadeur à insister avec vous pour que M. López Muñoz nous donne satisfaction, conformément à la promesse faite par son prédécesseur, et se rallie à la formule suivante, qui ne saurait être plus modérée : " Les trois Gouvernements contractants et ceux ayant adhéré à la présente convention s'engagent à faire respecter, dans la zone internationale, la liberté et la pratique extérieure des divers cultes.

" Le Gouvernement de Sa Majesté le Roi d'Espagne, en ce qui le concerne, ne s'opposera pas nonobstant les privilèges religieux actuellement exercés par le clergé régulier et séculier espagnol, à ce que des églises ou chapelles catholiques existent en zone internationale à l'usage des diverses colonies et soient desservies par des ministres du culte de la nationalité intéressée, ni à ce que les établissements hospitaliers autonomes aient un personnel religieux non espagnol d'aumôniers et d'infirmiers ou d'infirmières."

A l'article 13, le Gouvernement britannique a demandé une addition dont les termes sont assez vagues, mais qui a pour but de marquer que, lors de la construction du Tanger–Fez, il devra être tenu compte à chaque zone de tous ses " apports." Dans l'esprit du Cabinet de Londres, cela signifie spécialement que Tanger n'aura pas à fournir, à titre gratuit, pour l'installation de la gare terminus du chemin de fer et de ses dépendances ou annexes, une partie des terrains que les travaux du port permettront de conquérir sur la mer.

La variante ajoutée à l'article 18 est due à ce que le Gouvernement britannique insiste pour qu'il ne soit pas réclamé de ristourne, en matière de douane, à la zone internationale tant que la ligne Tanger–Fez ne sera pas livrée à l'exploitation. Le délégué français s'était, à Madrid, déclaré prêt à consentir, au nom du Gouvernement de la république, cet acte de générosité, mais M. Padilla avait réservé formellement la décision de son Gouvernement. Le Foreign Office espère que cette décision sera favorable. Vous voudrez bien appuyer l'Ambassadeur d'Angleterre quand il traitera cette question.

L'article 23 a été entièrement remanié, conformément aux suggestions du Foreign Office. Sir Eyre Crowe a émis l'avis qu'il n'y avait aucune nécessité de distribuer expressément, comme le faisait le texte rédigé à Madrid, entre la France, l'Espagne et l'Angleterre, les pouvoirs de direction des trois départements centraux de la municipalité. Ce partage à trois risquait peut-être de provoquer de la part de quelque autre Puissance des objections évitables et mieux valait poser une règle générale aboutissant aux mêmes résultats. Il va de soi, d'ailleurs, que lorsqu'elles auront à exercer leur choix, en vertu de l'article 23, la France, l'Espagne et l'Angleterre devront ne rien changer à la distribution précédemment convenue.

Le nouvel article 25 préjuge d'une solution satisfaisante de la question Porcher-Llorens. Je n'ai insisté, auprès du Cabinet de Londres pour faire donner satisfaction à l'Espagne que parce que je considérais comme définitives les réponses de principe que vous avaient faites le Comte de Romanones et M. López Muñoz ; mais si le Ministre d'État revient sur ses intentions conciliantes, nous nous trouverons dans l'impossibilité de nous prêter à une combinaison que rien ne commandait sauf notre désir d'être agréables au Gouvernement Royal ; l'ingénieur principal français ne saurait déléguer une partie de ses attributions à un adjoint qui affecte à son égard l'attitude que vous connaissez. Je mets le Foreign Office au courant de la situation imprévue que nous crée le revirement des Ministres espagnols ; j'estime, toutefois, désirable que Sir M. de Bunsen ne soit pas appelé à intervenir directement dans cette affaire.

L'aide qu'il pourrait vous donner demeurerait sans doute inefficace en raison du froissement que subirait l'amour-propre espagnol. Je vous ai fait connaître nos griefs



contre M. de Llorens ; mais je ne souhaite en aucune manière que ses chefs prennent à son sujet une mesure ayant le caractère d'un désaveu. Il importe, au contraire, que son éloignement ne paraisse dû qu'à des nécessités de service, de la zone espagnole, et rien n'est plus facile, puisque depuis déjà plusieurs mois il n'a pas quitté Tétouan.

L'article 26, entièrement nouveau, ne semble pouvoir soulever aucune objection. Le texte en a été fourni par Mr. Brunyate en vue de faire adhérer formellement les Puissances à la création du Tribunal international et de prendre acte de l'abandon partiel qu'elles doivent faire en sa faveur de leurs droits de juridiction consulaire.

L'article 27 également inédit a été inséré à la demande pressante de l'Angleterre, qui attache beaucoup d'importance à l'unité de réglementation en matière sanitaire maritime au Maroc. Vous voudrez bien seconder les efforts de Sir M. de Bunsen dans ce sens. Lorsque Sir Eyre Crowe a parlé de cette question à M. Dupeyrat, ce dernier a répondu qu'on obtiendrait sans doute plus aisément l'adhésion de l'Espagne si, tout en proposant la constitution du Conseil sanitaire d'Empire, on déclarait que son organe d'exécution pour la zone internationale pourra être le Département municipal ayant l'hygiène publique dans ses attributions et qui sera dirigé par un Espagnol. Peut-être jugerez-vous expédient de reprendre cette suggestion à votre compte.

L'ancien article 28 ne faisait état que des conventions d'arbitrage liant entre elles la France et l'Espagne. La nouvelle rédaction englobe dans une formule générale tous les traités d'arbitrage conclus par les Puissances signataires d'Algésiras. Cela a paru suffisant ; on a cru toutefois devoir viser spécialement la convention générale de La Haye en raison de son importance particulière.

Enfin, à l'article 30, il a été mentionné à la demande du Gouvernement britannique que si la convention est dénoncée dans le délai indiqué, elle continuera à s'appliquer pendant la durée de la revision.

2. *Projet de Dahir chérifien.*

Le mot " dahir " a été préféré à celui de " firman " précédemment employé, parce que c'est le nom proprement marocain des décrets ou ordonnances du Sultan.

Les premiers articles de ce dahir ont été remaniés pour les mêmes motifs et dans le même sens que ceux de la convention.

Deux nouveaux articles ont, d'autre part, été insérés au chapitre I.

C'est d'abord l'article 3 que M. Dupeyrat avait proposé à Madrid, mais que Mr. White n'avait pas cru pouvoir accepter de sa seule autorité. Le Gouvernement britannique a bien voulu considérer qu'il ne représentait qu'une manifestation de haute courtoisie à l'égard du Sultan et dès lors s'est empressé de déclarer qu'il l'approuvait.

De même, l'article 4 avait été réservé sur la demaude du délégué anglais, tandis que M. Padilla lui avait donné son adhésion, pourvu qu'il fût entendu qu'il s'appliquerait éventuellement aux anciens Khalifas de la zone espagnole comme aux anciens Sultans.

Au chapitre II, l'article 6 est constitué par une formule transactionnelle répondant à la préoccupation que d'un commun accord avaient exprimée MM. Dupeyrat et Padilla. J'estime suffisante la garantie qui nous est ainsi donnée et je pense que le Gouvernement espagnol partagera ce sentiment.

A l'article 13, Sir Eyre Crowe a demandé le remplacement de l'expression vague " à des tiers " par l'énumération limitative qui lui a en effet été substituée sans que j'y fasse objection.

Les articles 14, 16 et 19 ont été de même remaniés pour plus de clarté. On a voulu qu'il apparût désormais sans équivoque possible :

1. Que seuls les chefs de poste, titulaires ou intérimaires, en fonctions à Tanger, siégeront au Comité de Contrôle, car il y a là un devoir de leur charge assez important pour qu'ils soient tenus de le remplir en personne ;

2. Que ce sera toujours l'agent en fonctions à Tanger qui fera partie du Comité, ceci en prévision du transfert possible des agences et consulats généraux à la capitale de l'Empire ;

3. Que même s'il représente deux Puissances (cas de l'agent allemand chargé des intérêts de la Suède) un membre du Comité de Contrôle ne disposera que d'une seule voix ;

4. Que le Khalifa du Sultan sera obligatoirement un Marocain ;

5. Que les onze membres nommés de l'Assemblée municipale ne seront pas élus au scrutin de liste par le Comité de Contrôle, mais individuellement désigné par chaque agent-consul général.

A l'article 22 et à l'article 37 on a précisé quelle devait être exactement la juridiction compétente parmi celles dont l'ensemble forme le "Tribunal international."

L'ancien article 24 disposait que la taxe donnant le droit de vote dans la partie rurale de la zone internationale serait égal à celle exigible dans la partie urbaine. La règle ainsi formulée risquait de donner lieu à de graves injustices et le délégué français avait demandé qu'il y fût obvié par l'emploi du mot "équivalente." L'opposition d'ailleurs non motivée du délégué espagnol avait fait laisser la question en suspens. Le Gouvernement de la république a estimé nécessaire d'insister pour la seule solution équitable et le Gouvernement britannique s'est rangé à son avis.

Article 30, simple omission réparée.

Articles 31 et 35. Dès lors que chaque colonie forme un collège électoral distinct, il est nécessaire qu'il y ait autant de listes que de collèges. Ceci admis, les demandes de radiation peuvent avoir un caractère absolu (contestation de la qualité même d'électeur) ou un caractère relatif (contestation du droit de figurer sur une section déterminée de la liste électorale).

Article 64. Simple omission réparée.

Article 67. Addition demandée par le Gouvernement britannique et qui s'explique d'elle-même.

Article 76. Même observation.

L'Article 92 tranche la question du "chef de l'administration municipale." Mon département avait toujours soutenu la nécessité de prévoir à Tanger l'existence d'un agent d'exécution responsable devant l'Assemblée municipale et le Comité de Contrôle, par conséquent doté d'une réelle autorité. Le Gouvernement britannique s'était, après une discussion approfondie, rangé à cette manière de voir, mais le Gouvernement espagnol n'a pas consenti à suivre cet exemple. Finalement son délégué a offert au délégué français une concession purement apparente. J'ai estimé qu'il convenait de faire concorder l'apparence avec la réalité et de ne pas nous prêter à l'institution d'un "commissaire-administrateur" qui n'aurait de sa fonction que le nom et dont l'inutilité coûteuse nous serait immanquablement reprochée. Dans ces conditions, le Foreign Office a proposé le texte d'article inséré sous le No. 92, auquel je ne fais pas d'objection.

L'article 102 n'est que la formule d'application de l'article 27 du projet de convention.

L'article 114. Le Gouvernement britannique a estimé qu'un traitement de 20,000 fr. ne lui permettrait pas aisément de trouver dans son personnel administratif un bon candidat au poste de directeur des finances. Il a demandé un relèvement de 5,000 fr. avec, pour la municipalité, la faculté d'ajouter telles indemnités qu'elle jugerait équitable d'accorder. Le montant des traitements est exprimé en douros makhzani or, unité monétaire déjà adoptée dans les cahiers des charges de travaux publics.

Les articles 122 et 123 remplacent, sans d'ailleurs en modifier le sens et la portée, l'ancien article 116 dont M. Hontoria avait très justement critiqué la rédaction défectueuse.

L'article 126 comble une lacune qu'il eût été regrettable de laisser subsister et ne paraît exiger aucune explication.

L'article 128 porte interdiction pure et simple des jeux de hasard à Tanger. Le Gouvernement britannique a fait savoir qu'il estimait impossible de sanctionner pour la zone internationale une réglementation des jeux de hasard qui sont interdits en Angleterre; le Gouvernement de la république, de son côté, concluait à la même impossibilité par suite d'une interdiction semblable édictée par le Commissaire Résident général de la zone française du Maroc.

Article 129. Cet article, qui remplace l'article du projet de Madrid relatif aux annonces légales, avait été concerté en principe, après clôture des travaux de la Commission mixte, entre Mr. White et M. Padilla.

Article 130. Le Gouvernement de la république accepte volontiers que l'arabe, le français et l'espagnol soient également qualifiés langues officielles en zone internationale; mais il lui paraît indispensable pour le bon fonctionnement des services publics que la municipalité reste libre d'en réglementer l'emploi.

Il est officieusement entendu avec le Cabinet de Londres que Sir M. de Bunsen va recevoir incessamment des instructions pour que vous demandiez de concert au Gouvernement espagnol de vouloir bien accepter les modifications ci-dessus commentées. Il vous appartient d'arrêter avec votre collègue la procédure qui vous paraîtra la meilleure pour aboutir promptement à un accord définitif dont vous savez l'urgence.

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[33749] No. 38.

*M. Cambon to Sir Edward Grey.*—(*Received July* 22.)

*Ambassade de France, Londres,*
*le* 19 *juillet*, 1913.

M. le Secrétaire d'État,

EN me faisant parvenir un exemplaire des textes relatifs au statut de Tanger, tels qu'ils résultent de l'entente officieusement intervenue entre son département et le Foreign Office, M. Pichon m'a prié d'attirer l'attention de votre Excellence sur le texte même de l'article 13 du projet de convention établi par la Convention de Madrid.

Ce texte, dans la pensée de ses rédacteurs, a pour but de protéger la future zone internationale contre le risque d'avoir à fournir sans compensations pour la gare maritime du Chemin de Fer de Tanger à Fez une partie des terrains que la construction du port permettra de gagner sur la mer.

M. le Ministre des Affaires Étrangères est entièrement disposé à souscrire à toutes les garanties désirables sur ce point, mais il résulte d'une étude à laquelle il vient de faire procéder que dans sa forme actuelle l'article 13 peut, au cours de l'examen officieux du projet de Madrid, prêter à des difficultés d'interprétation et faire naître une équivoque. Le texte semble, en effet, confondre des éléments du compte exploitation et des éléments du compte de premier établissement.

M. Pichon estime, dans ces conditions, que pour assurer toute la clarté désirable à l'article il conviendrait de la rédiger plutôt dans la forme que j'ai l'honneur de soumettre ci-joint à l'approbation du Gouvernement britannique.

Je serais très reconnaissant à votre Excellence de vouloir bien me faire savoir, le plus tôt possible, si elle donne son assentiment à la nouvelle rédaction de l'article 13 proposée par mon Gouvernement.

Veuillez, &c.
PAUL CAMBON.

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Enclosure in No. 38.

*Article* 13 *of Draft Convention.*

LA ligne du Chemin de Fer Tanger–Fez sera construite et exploitée dans les conditions déterminées dans le protocole annexé à la Convention franco-espagnole du 27 mars, 1912, comme il est dit à l'article 20 de la convention.

Ainsi qu'il est dit à l'article 8 dudit protocole, "chacune des trois sections de la ligne française, espagnole et tangéroise donnera lieu à des comptes annuels distincts en ce qui concerne, d'une part, le premier établissement; d'autre part, les travaux complémentaire; et, enfin, l'exploitation. Les règles à suivre pour la répartition des recettes et des dépenses entre les trois sections et, dans chacune d'elles, entre les trois comptes ci-dessus, seront fixés par l'acte de concession"; cet acte de concession devra notamment prévoir les stipulations ci-après relatives au port de Tanger.

La Compagnie du Chemin de Fer de Tanger à Fez pourra poser gratuitement sur les quais, môles et terre-pleins du port les rails nécessaires pour desservir lesdits quais, môles et terre-pleins et autres installations du port.

Dans le cas où la Compagnie du Chemin de Fer de Tanger à Fez aurait, en outre, à installer sur des terrains dépendant du port d'autres installations, telles que gares de voyageurs, bureaux, magasins, dépôts de marchandises, remises de matériel roulant, elle aurait à payer pour les espaces ainsi occupés par elle, et qui auraient été gagnés sur la mer, une somme en rapport avec les dépenses effectuées.

Toutes les dépenses relatives à la gare maritime seront considérées comme dépenses communes à répartir équitablement entre les trois sections.

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[33782] No. 39.

*Memorandum communicated by M. Cambon, July* 22, 1913.

AUX termes d'une des dispositions du projet de statut de Tanger, un officier espagnol commanderait, sous l'autorité du Directeur français de l'Intérieur, le tabor de police.

L'exécution de cette disposition pourrait avoir des conséquences fâcheuses pour la sécurité de la ville et de sa banlieue. En effet, les Espagnols sont en état de guerre avec les Andjeras. Si un officier espagnol est mis à la tête du tabor, ces indigènes considéreront comme une force espagnole la troupe qu'il commandera, et celle-ci sera en butte à leur hostilité. A l'heure actuelle, au contraire, c'est la composition des cadres du tabor extra-urbain, c'est la nationalité et l'autorité du Commandant Toulat et de ses officiers qui mettent le tabor lui-même à l'abri de l'attaque des Andjeras et assurent à la police une efficacité relative dans la banlieue de Tanger.

Récemment cet état de choses a été mis en évidence par un fait qui s'est produit au cours des reconnaissances effectuées par le tabor en poursuivant l'assassin d'un jeune Français, M. Bouchet. La patrouille du Sous-Lieutenant Belhout, ayant pénétré par erreur sur le territoire de la zone espagnole, a été prise par les indigènes pour une force espagnole et attaquée par eux avec violence. Un de ses sous-officiers, détaché pour parlementer avec les assaillants, n'a été relâché par eux que lorsque la preuve leur a été donnée qu'il servait sous les ordres d'officiers français. Les dispositions que ce fait atteste de la part des indigènes sont de nature à faire craindre qu'un tabor de police tangérois, commandé par un officier espagnol, n'attire sur lui la malveillance et l'hostilité des tribus en guerre avec l'Espagne.

L'Ambassadeur de France a été chargé d'appeler sur ces considérations l'attention de son Excellence le Secrétaire d'État. Le Gouvernement de la république serait heureux si le Gouvernement britannique voulait bien inviter son Ambassadeur à Madrid à se concerter avec l'Ambassadeur de France, pour demander au Gouvernement espagnol de consentir à ce que les tabors urbains et extra-urbains de Tanger fussent maintenus dans les conditions présentes, sans commandement supérieur.

*Ambassade de France, Londres,*
*le 20 juillet*, 1913.

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[33813] No. 40.

*Sir M. de Bunsen to Sir Edward Grey.—(Received July 22.)*

(No. 29.)
(Telegraphic.) R. *San Sebastian, July 22*, 1913.

YOUR telegram No. 30 of 16th July : Tangier Convention.

The French Ambassador is asking the French Government by telegraph if he may accept the proposed amendment at the end of paragraph 4 of the new text of article 13.

His Excellency is still awaiting final reply of the Spanish Government as to transfer of Spanish engineer to another post (see my despatch No. 130), and he is also instructed to press for maintenance of urban and extra-urban police under French and Spanish commanders as at present, which would require alteration of paragraph 1 of article 96 of "dahir." On latter point I understand that the French Government are consulting you directly with a view to my receiving instructions similar to those sent to the French Ambassador.

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[33813] No. 41.

*Sir Edward Grey to Mr. White.*

(No. 32.)
(Telegraphic.) *Foreign Office, July 23*, 1913.

TANGIER police.

French Government fear that, if military police are to be commanded by Spanish officer, they will attract hostility of Angera tribes and be exposed to attack, from which which they are now free, as shown by recent instance of detention and release of under-officer who was pursuing Bouchet's murderer. French Government therefore ask that we should join them in urging Spanish Government to maintain urban and extra-urban police under present system.

It appears from your memorandum of 25th May last, enclosed in Sir M. de Bunsen's despatch No. 99 of 26th May, that Madrid Commission considered that command of military police by Spaniard offered special advantages. Do you think these outweigh objection now advanced by French Government, or do you see any reasons on general grounds for opposing French suggestion?

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[34053] No. 42.

*Mr. White to Sir Edward Grey.—(Received July 24.)*

(No. 200.)
Sir, *Tangier, July 17*, 1913.

WITH reference to your despatch No. 120 of the 8th instant, I have the honour to inform you that I took an opportunity of enquiring of the French Chargé d'Affaires whether there was any prospect of the opening of Agadir to trade in the immediate future.

M. Martin, who has taken charge of the French Legation during the absence on leave of M. de Valdrôme, told me that his Government had been forced by circumstances, though very much against their wishes, to authorise the occupation of Agadir; they would, however, maintain only a small garrison there, and had no intention of undertaking the pacification of the Sus district for the present. The garrison was practically confined to the town and its immediate neighbourhood, and there was no chance of any trade being possible there for some time.

M. Martin, in answer to a further enquiry, said he was not aware of the views of his Government on the subject, but he, personally, was not in favour of the port of Agadir being opened to trade, unless the Spaniards should open Ifni, as he did not see that much advantage was to be gained by it.

I pointed out that it would be for the benefit of trade with the southern districts if Agadir was opened, as it would obviate the extra transport to and from Mogador.

Mr. Harris informs me that General Lyautey once observed to him that the three principal Moorish ports of the future would be Tangier, Mazagan, and Agadir—they offer the greatest facilities for harbour making and are well placed.

I have, &c.
HERBERT E. WHITE.

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[34099] No. 43.

*Mr. White to Sir Edward Grey.—(Received July 24.)*

(No. 38.)
(Telegraphic.) *Tangier, July 23*, 1913.

YOUR telegram No. 32 of 23rd July : Tangier police.

See my despatch No. 194 of 11th July.

I think it inadvisable to make the change in the command of the police in the present circumstances. The contracts of the police have just been renewed for six months, so I presume that no change will in any case be made until the expiration of that term, and then the matter can be considered in connection with the state of the country.

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[34099] No. 44.

*Sir Edward Grey to Sir M. de Bunsen.*

(No. 31.)
(Telegraphic.) R. *Foreign Office, July 24*, 1913.

YOUR telegram No. 29 of 22nd July: Tangier police.

Contracts of police under French commandant have just been renewed for six months, and I think no change should be made until that term expires. Question could then be considered in light of state of the country, and meanwhile a note should be made that article 96 is not definitive. If at end of six months active disturbances continue on Tangier-Spanish border, I think appointment of Spanish commandant would be inadvisable, but it will then be for French to suggest some *quid pro quo* (see Mr. White's despatch No. 194 of 11th July).

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[33368] No. 45.

*Foreign Office to Mr. Norton.*

*Foreign Office, July 24*, 1913.

Sir,

I AM directed by Secretary Sir E. Grey to refer to the letter which you addressed to Sir Eyre Crowe on the 28th March last respecting the desire of the Société

marocaine de Travaux publics to obtain for their subsidiary company, the Société internationale pour le Développement de Tanger, a concession for the construction and exploitation of a harbour at Tangier.

I am to inform you that His Majesty's Government have come to an agreement with the French, German, and Spanish Governments that the Société internationale shall be invited, through their representatives in London, Paris, Berlin, and Madrid, to submit a detailed scheme for building and exploiting the harbour, and I am accordingly to request that you will be so good as to notify the Société of the readiness of the four Powers to take their proposals into consideration.

I am to add that the scheme which should be addressed to the doyen of the Diplomatic Body at Tangier should include full provision for the harbour being taken over on suitable and reasonable terms by the Municipality, if and when they find themselves in a position to do so. It should, moreover, be understood that the submission of a project implies no engagement on the part of the four Powers or of the Municipality towards the Compagnie marocaine.

I am, &c.
W. LANGLEY.

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[33749] No. 46.

*Sir Edward Grey to M. Cambon.*

Your Excellency, *Foreign Office, July* 25, 1913.

IN a note dated the 19th instant, your Excellency was good enough to communicate to me the wording which the French Government desire to substitute for the present text of article 13 of the draft Tangier Convention, with the object of defining more precisely the conditions on which the future municipality is to provide out of the land which will be reclaimed from the sea the site for the coastal terminus of the Tangier–Fez Railway.

I have now the honour to inform your Excellency that His Majesty's Government are prepared to accept generally the revised text submitted in your Excellency's note under reply.

His Majesty's Government are, however, of opinion that it is only equitable that the municipal budget should not be deprived of any part of the profits which it would naturally derive from the sale or lease of the reclaimed land for business purposes, and they consider, therefore, that the municipality should receive the full market value of the site occupied for buildings, &c., by the Tangier–Fez Railway Company, and not only a sum calculated on the expenditure incurred in reclaiming the land required for this purpose.

His Majesty's Ambassador at Madrid has accordingly been instructed to inform his French colleague that he is authorised to agree to the new wording proposed, provided that some phrase such as "a price calculated on the full market value of the land" is substituted for the words "une somme en rapport avec les dépenses effectuées" at the end of paragraph 4 of the draft article.

I have, &c.
E. GREY.

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[34889] No. 47.

*Sir M. de Bunsen to Sir Edward Grey.—(Received July* 29.)

(No. 134.)

Sir, *San Sebastian, July* 25, 1913.

WITH reference to your telegram No. 28 of the 10th instant regarding the draft Tangier Convention, I have the honour to report that the following is the text of article 8 regarding the exercise of religion which is proposed in the note which will be addressed by the French Ambassador to the Spanish Government :—

"Les trois Gouvernements contractants et ceux ayant adhéré à la présente convention s'engagent à faire respecter dans la zone internationale la liberté et la pratique extérieure des divers cultes.

"Le Gouvernement de Sa Majesté le Roi d'Espagne, en ce qui le concerne, ne s'opposera pas, nonobstant les privilèges religieux actuellement exercés par le clergé régulier et séculier espagnol, à ce que des églises ou chapelles catholiques existent en



zone internationale à l'usage des diverses colonies et soient desservies par des ministres du culte de la nationalité intéressée, ni à ce que les établissements hospitaliers autonomes aient un personnel religieux non espagnol d'aumoniers ou d'infirmiers ou d'infirmières."

I am supporting this text in the note I have drafted to the Minister of State.

I have, &c.
MAURICE DE BUNSEN.

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[35079] No. 48.

*Earl Granville to Sir Edward Grey.—(Received July* 29.)

(No. 123.)

(Telegraphic.) R. *Berlin, July* 29, 1913.

MY telegram No. 106 of 12th July : Raisuli.

Secretary of State for Foreign Affairs informs me that German Government have definitely refused protection to Raisuli.

Spanish Government had submitted an enormous dossier, which he said contained no real proof whatever of Raisuli's guilt, but as German Government were anxious not to make difficulties for Spain they had decided to accept this as sufficient.

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[34099] No. 49.

*Sir Edward Grey to M. Cambon.*

Your Excellency, *Foreign Office, August* 1, 1913.

I HAVE the honour to inform your Excellency that the view taken by His Majesty's Government of the question of the extra urban police in Tangier, on which subject your Excellency was good enough to address a note to me on the 20th ultimo, is as follows :—

The contracts of the Tangier police force, under a French commandant, have lately been renewed for a period of six months, and until that term expires no change need be contemplated. If, by that time, the Spanish authorities have reduced the tribes on the Tangier–Spanish border to submission, there seems no reason why the scheme proposed at Madrid for putting the extra urban police under a Spanish commandant should not come into force, since it has certain obvious advantages in facilitating co-operation with the Spanish forces across the frontier. But if the Angera tribes are still unpacified, the appointment of a Spanish commandant might induce them to regard the Tangier extra urban police as a Spanish force, and so cause the fighting to extend into the Tangier zone.

It is clearly of great importance to avoid such a contingency, as could be done, for instance, by a further renewal of the existing mandate for a specified time. It must, however, be remembered that the arrangement arrived at by the Madrid Commission represents a compromise of French and Spanish claims, that it was actually proposed by the French delegate, and that it is better, if possible, not to upset it, since it is not easy to see what compensation for the loss of this post can be offered to the Spaniards without disturbing the equilibrium of the whole Tangier scheme, which represents patient negotiation and sacrifice on the part of all the three Powers who engaged in the discussions. It is, for instance, unlikely that your Excellency's Government would welcome the simple solution of changing the commands of the urban and extra urban police, as that would probably involve considerable difficulties for the French head of the Department of the Interior.

His Majesty's Government would therefore propose that article 96 of the draft Dahir Général should for the present remain unaltered, with a note stating that the article is not definitive but will be reconsidered when the present term of employment of the Tangier police draws to its close.

I have the honour to add that His Majesty's Ambassador at Madrid has been informed of these views of His Majesty's Government.

I have, &c.
E. GREY.

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[35928] No. 50.

*Mr. White to Sir Edward Grey.*—(*Received August* 5.)

(No. 208.)

Sir, *Tangier, July* 25, 1913.

WITH reference to Mr. Kennard's despatch No. 188 of the 5th instant, I have the honour to report that shortly after my arrival at Tangier the Spanish Chargé d'Affaires spoke to me about the proposal to give Raisuli German protection and asked me to request Cid-el-Menebhi to endeavour to dissuade Raisuli from accepting German protection and to induce him to come over to Spain.

I informed M. Lopez Roberts that I was unwilling to make such a request, as should El Menebhi succeed in the mission and should the Spanish authorities subsequently think Raisuli was intriguing against them and take action against him, he would naturally turn to us for assistance on the ground that we had prevented him from seeking safety in German protection.

M. Roberts saw the difficulty and enquired whether I would have any objection to his speaking to El Menebhi himself and asking him to use his good offices with Raisuli towards effecting a reconciliation. To this I consented and El Menebhi subsequently expressed his readiness to act as an intermediary and arranged with Raisuli that he should come to Tangier yesterday to discuss the matter.

The day before yesterday, however, M. Roberts called at this legation and informed me that he had received a telegram from his Government telling him that the Spanish authorities at Tetuan had obtained proof that Raisuli had been intriguing with the tribes and that they could not, therefore, enter into any relations with him; he had consequently requested El Menebhi to inform Raisuli that it was useless for him to come in. This was later confirmed by Menebhi who told me that he had written to Raisuli asking him not to come until he should hear from him again. This letter, it seems, crossed one from Raisuli enclosing a copy of the Arabic paper "El Hakk," published under the auspices of the Spanish Legation, containing an abusive leading article against him, with gratuitous insults as to his parentage—a very tender point with all Moors and especially so with a man who, however bad his personal record may be, is a member of one of the principal Shereefian families.

Raisuli stated in his letter that he had put up with the pillage of his properties by the Spaniards, and the other indignities he had suffered, and had been prepared to come to terms with them, but that these were insults he could not pardon. He would, therefore, not come to Tangier and meet the Spanish authorities, but he would be very glad to see Menebhi if he would arrange a meeting.

Menebhi subsequently informed me that Raisuli had sent 500 armed men in the evening to escort his family, who were living in a garden in the outskirts of Tangier, and to take them and all his movable property to the mountains, and he feared he now intended to give trouble and might carry out some coup at Tangier, possibly capturing some person of importance to hold as hostage, or inciting the bad characters in the neighbourhood to commit robberies or deeds of violence. El Menebhi considered the situation serious in view of the impotence of the Spaniards, who seemed quite incapable of taking any strong action or occupying positions dominating the main roads. He asked me whether it was desired that he should see Raisuli, and if so, what he should say to him. Personally he was of opinion that the proper course was for the Spaniards to occupy the Fondak, Zeenats and the Red Mountain, the strategical points on the zonal frontier, so as to render the Tangier district practically secure; if they are unable to do this they must pocket their pride and come to terms with Raisuli.

I have talked the matter over with M. Lopez Roberts and also with the French Chargé d'Affaires, and it has been agreed that Menebhi should arrange an interview with Raisuli. In the meantime M. Roberts will ascertain whether the Spanish military authorities are able to effect the occupation of the three points above-mentioned. He thinks that this may be possible with the aid of General Silvestre, who is at present at Arzila, though personally I doubt it. If the reply of the military authorities is favourable El Menebhi will inform Raisuli that the Spanish authorities are willing to receive him if he goes to Tetuan and makes his submission, in which case his properties will be returned to him, and he will be allowed to remain there in safety as long as he behaves himself, otherwise he will be treated as a rebel, his properties will all be seized and he may look out for himself. If, however, the Spanish troops are unable to occupy the positions named, Menebhi will have to adopt a persuasive



rather than a threatening tone, and will endeavour to induce Raisuli to go to Tetuan under a guarantee of safety and good treatment to be given by the Spanish Chargé d'Affaires. In either case Menebhi will use such arguments as he can to point out to Raisuli the necessity of preserving good order and tranquillity in the Tangier district.

It is to be regretted that one has to have recourse to such measures with a bandit of that type, but he undoubtedly has the power of giving trouble, and the police are nor sufficiently numerous to secure the surrounding country against isolated acts of violence.

The policy the Spanish authorities have pursued all through in regard to Raisuli has been very foolish. There can be no doubt that all he wished at one time was to be allowed to enjoy his illgotten gains in peace, and had the Spaniards respected his properties all would have gone well. He was, I suppose, a rapacious and cruel Governor, but probably not more so than other native Governors or than Rmiki, his deadly enemy, who has been set up in his place. The Spanish military authorities at Alcazar were always at loggerheads with him when he was Governor, but when he retired and came to reside at Tangier he was prepared to settle down quietly here and was engaged in the purchase of properties. The Spaniards wanted to employ him and offered him the governorship of the mountain tribes, which he declined, saying he wished to retire into private life. He was invited to go to Madrid to be presented to the King, but this he also declined, possibly fearing to trust himself in Spain, but also through annoyance at the seizure of his properties, including a very large sum of money hidden in his house at Arzila. This latter act the Spanish Legation deny, but Menebhi and others assure me that it is undoubtedly true, upwards of 40,000*l.* having been seized and divided between the Spanish troops and Raisuli's agent who had been bribed. Whilst the Spanish Legation has been making overtures to him here, the Spanish military authorities in the Spanish zone have been seizing his property and arresting his employés; it is, therefore, scarcely surprising that he has now decided to seek his own safety in taking to the mountains, when he failed to obtain the protection he sought from Germany. One cannot help asking oneself whether after all it would not have been better for Tangier if Raisuli had obtained German protection; that Power would, in that case, have been obliged to keep him in order and he would not have been driven to the step he has taken.

I have, &c.
HERBERT E. WHITE.

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[36037] No. 51.

*Mr. White to Sir Edward Grey.*—(*Received August* 5.)

(No. 214.)

Sir, *Tangier, July* 28, 1913.

WITH reference to my despatch No. 194 of the 11th instant, I have the honour to report that the local French press and a portion of that of Paris have maintained a campaign against the "Statut de Tanger" as negotiated at Madrid, which has caused great discontent at what is called the effacement of France. It was hoped that France, both directly and through the Makhzen and the native element, would obtain a strong preponderance, and that Tangier, nominally independent, would be in reality a mere annex of the French zone, and it is hoped by agitation to induce the French Government to go back upon its agreement even at the last moment.

I beg to transmit herewith copies of leading articles in the last two numbers of the "Dépêche marocaine," which show the line adopted in criticising the agreement.*

The Moors are naturally disappointed at only four seats being assigned to them in the Municipal Assembly, but, so far as I am aware, there is no strong feeling on the subject. In a recent conversation with one of the Moorish notables, who was a member of the delegation to Madrid, he mentioned the point as one that had been unfavourably criticised, but he did not give me the impression that there was really much feeling on the subject, and he appeared to appreciate the justice of my arguments in support of our decision. A point he seemed to regard as more important was the disappearance of the Basha, and another leading Moor I have since spoken to also said that, though the Moors have no desire to retain the Basha

* Not printed.

with his present autocratic powers, they require some official, to be elected by themselves, like the Kadi or Nadir, to whom they can apply in case of necessity, and who will be in the same position in regard to them as the consuls are to their nationals.

This is a point as to which I was in doubt during the Madrid negotiations. I am opposed to the idea of an official in the nature of a Basha with jurisdiction over the natives, but I think it would be convenient to have someone to whom Moorish subjects could apply in case of necessity, and to whom foreign officials or others could address themselves in cases of complaints and claims against Moorish subjects with a view to effecting amicable settlements, instead of having to apply in the first instance to the International Tribunal. I mentioned the point on one or two occasions during our negotiations at Madrid, and intended to bring it forward again when the question of the "commissaire-administrateur" was settled, and I regret that the matter slipped my memory when M. Dupeyrat was in London. I subsequently thought the draft Dahir could be allowed to stand as it is, the president of the Municipal Assembly, as "administrateur en chef," exercising the functions in question. In view, however, of the criticisms of the Moors, and as it is desirable to meet their wishes as far as possible so as to avoid discontent, I think it would be well to introduce an article providing that, in addition to the Kadi and Nadir, the Moors should elect a Kaïd, who should, under the supervision of the committee of control, exercise some of the functions of the present Basha, and appoint the headman of the various villages, but should exercise no jurisdiction except in purely administrative matters.

I am writing to M. Dupeyrat and M. Padilla in the above sense, so that in case you approve the suggestion I am making, they may be in possession of the arguments in its favour.

I have, &c.
HERBERT E. WHITE.

P.S. *July* 29.—I beg further to transmit copy of the third and concluding portion of the leading article on the "Statut de Tanger" which appeared in the "Dépêche marocaine" of this date.*

H. E. W.

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[36039] No. 52.

*Mr. White to Sir Edward Grey.*—(*Received August* 5.)

(No. 216.)

Sir, *Tangier, July* 30, 1913.

WITH reference to my despatch No. 208 of the 25th instant, I have the honour to report that the German Government have decided not to extend protection to Raisuli, and have instructed M. de Wesendonk, who is in charge of the legation during the absence of Baron Seckendorf, to inform Raisuli that, owing to the charges brought against him by the Spanish Government, he is unable to issue to him a certificate of protection as semsar of the Brothers Mannesmann. M. de Wesendonk and M. Lopez Robert shave agreed, however, that it is advisable to postpone making this communication, as on learning that there is no hope of German protection he may be driven to taking desperate measures.

As reported in my above-mentioned despatch, Cid-el-Menebhi sent a message to Raisuli through his confidential secretary Cid Cassem to say he would be happy to have an interview with him as suggested. Cid Cassem saw Raisuli at his stronghold at Zinat and discussed the situation with him at length, pointing out that he was adopting a dangerous course in breaking with the Spanish authorities and joining the rebels, as in the end the Spaniards must be successful, and he would find himself an outlaw and be dispossessed of his valuable properties in the Spanish zone; it would be better for him to come to terms with Spain and settle down quietly in the enjoyment of his property, which would be returned to him if he would loyally accept the situation and not intrigue with the rebels. He added that, in any case, it would be foolish to do anything to disturb the peace in the Tangier district and thus convert his quarrel with Spain into one with all the Powers.

Raisuli replied that he had done his best to work with the Spanish authorities and had done much for that country; he had facilitated their original occupation of Laraiche and Alcazar and had kept the tribes from rising against them, and had not since intrigued

* Not printed.



against them as alleged; all he had desired was to live quietly at Tangier. The Spaniards, however, had always regarded him with suspicion and had treated him very harshly. He had no complaint to make against the Ministers, the Chargé d'Affaires, or the officials of the legation, who had always been prepared to act fairly by him; but whilst they were giving him friendly assurances at Tangier, General Silvestre and the military authorities generally had attacked and looted his farm, seized his houses and lands, his cash and his goods, and had subjected him to indignities. The recent article in "El Hakk" had been the last straw, and had shown him clearly that he had nothing to hope from Spain; he had applied to the British, French, and German Legations for assistance in obtaining justice but in vain, so now he was determined to rely on himself alone, and to show Spain that they had made a mistake in thus treating him. He had informed the tribes that he would throw in his lot with them and they had sent him contingents for the defence of Zinat. He was writing a letter to General Alfau recapitulating the history of his relations with Spain from the time of their landing at Laraiche, and informing him that in consequence of the treatment he had received he had now joined the enemy.

As to the Tangier district, Raisuli assured Cid Cassem that he had no intention of causing any disturbance there; on the contrary, he would see that the peace is not disturbed; he would even open the roads, so that travellers would be able to pass in all security, as during the time he governed the district.

I communicated the foregoing to M. Lopez Roberts, who expressed his gratitude to Cid-el-Menebhi. He informed me that he had learnt from his Government that it was proposed shortly to occupy the Fondak, Zinat, and Akbar-el-Hamra, but he was still very anxious to come to terms with Raisuli, as he was well aware what trouble the Shereef could give if he carried out his threat of putting himself at the head of the rebellion. He begged me to request Menebhi to send Cid Cassem again to Raisuli to urge him to couch his letter to General Alfau in a polite form, so that the latter could answer it, as he had hopes that an agreement could be come to in that manner.

Cid Cassem accordingly returned to Zinat and had a further interview with Raisuli, who said that his letter, which had already been despatched, was couched in courteous terms, so that the General could reply to it if he desired.

Cid Cassem told me that Raisuli has about 1,500 well-armed mountaineers with him and has taken every precaution against a surprise attack. His position is a strong one on that rocky hill, and the Spaniards will find it no easy task to take the place. Raisuli would, however, probably retire to Beni Aros himself and leave his men to defend Zinat.

It now remains to be seen what reply General Alfau will make to Raisuli's letter.

I have, &c.
HERBERT E. WHITE.

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[37015] No. 53.

*Mr. White to Sir Edward Grey.*—(*Received August* 11.)

(No. 223.)

Sir, *Tangier, August* 3, 1913.

I HAVE the honour to report that last night some unknown persons, believed to be Moors, entered the stables, on a property belonging to a British subject, Mrs. Levison, situated about two miles from the town, shot two Spaniards who were in charge of the stables and stole four horses. Mrs. Levison and two friends were in the house, which is at a little distance from the stables; they heard the shots, but did not attribute much importance to them, and it was only in the early morning that servants going to the stables found the two men dead and the horses missing.

Notice was at once given to an outpost of the police; they went out to search the country, but discovered no traces of the robbers, who had probably reached the hills of the Spanish zone before daybreak.

The matter was reported to me soon after six o'clock this morning. I wrote to the commandant of the extra-urban police and gave notice to the Moorish authorities, but I fear it is not likely that they will be able to effect the arrest of the murderers.

Sid-el-Menebhi is sending his secretary to Raisuli to remind him of the assurances he had given that he would see that public security was maintained in this district, and to urge him to make every effort to recover the stolen animals and arrest the murderers so that an example be made of them, as otherwise there is a danger that there will be

further deeds of violence, and the Powers will be compelled to take steps for the protection of their subjects in the Tangier district. El Menebhi is of opinion that the fear of the intervention of the Powers will have a deterrent effect both with Raisuli and with the tribes, and that with the former it will also be a question of *amour-propre* to put a stop to such occurrences. I told El Menebhi that the message must be entirely from himself as in the present circumstances I could not be mixed up in any appeal to Raisuli to keep order in this neighbourhood. I did not feel that it would be right to dissuade El Menebhi from taking this step which may possibly have a good effect, as it appears to me important to secure the maintenance of order in this district by any means rather than by the intervention of the Powers.

I have, &c.
HERBERT E. WHITE.

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[36037] No. 54.

*Sir Edward Grey to Mr. White.*

(No. 132.)
Sir, *Foreign Office, August* 11, 1913.

I HAVE received your despatch No. 214 of the 28th ultimo, in which you give reasons in favour of the insertion of an article in the draft Dahir respecting the Tangier municipality providing that, in addition to the Kadi and Nadir, the Moors should elect a "Kaïd" who, under the supervision of the committee of control, would exercise some of the functions of the present Basha.

I see no serious objection to the proposal, and it is certainly desirable to do what is possible to make the Moors contented with the international régime, although on general grounds I am of opinion that the multiplication of Moorish officials is to be deprecated as tending to confusion and the overlapping of their functions. The point has, however, no doubt been present to your consideration, and in this case I approve your action in having made the suggestion privately to M. Dupeyrat and Signor Padilla, and I shall be interested to learn what view they take of the matter.

I am, &c.
E. GREY.

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[38336] No. 55.

*Mr. Rennie to Sir Edward Grey.—(Received August* 19.)

(No. 139.)
Sir, *San Sebastian, August* 16, 1913.

THE change in the command of the Spanish forces round Tetuan, which was foreshadowed in my despatch No. 135 of the 7th August, has now taken place, and on the 14th instant it was announced that General Alfau had resigned, and that General Marina, captain-general of the Madrid district, had taken his place.

In an official communiqué to the press it is stated that General Alfau had already expressed his wish to decline the post of High Commissioner in the Spanish zone; that he had exposed his views on the situation to the Cabinet on the previous day, and that finding he was not in complete agreement with the Government his resignation had been accepted with regret, and that as the state of affairs still called for the employment of a military man, General Marina had been selected to fill the post. Recent Cabinet Councils had dealt with the policy to be followed in organising the new administration of the zone, and the lines on which it will be carried out are said to have been agreed upon.

The "Correspondencia de España," which was the first Madrid newspaper to announce the change, declares that General Alfau has been sacrificed to political intrigues. It is stated that the general wished to occupy Lauzien and the Fondak of Ain Yedid at the same time as he marched into Tetuan, and had not been allowed to do so, with the result that the present difficult situation had arisen. The country at large already feels that there is a lack of continuity and stedfastness in carrying out the declared Government policy, and is enquiring what is being done in connection with the elaborate scheme of administration of the newly-acquired territories, which was instituted by the Royal Orders of February and April last. This want of confidence in Count Romanpones is already finding vigorous expression in the press, and it is scarcely to be expected that the present change in the highest command in Spanish Morocco will be allowed to pass unchallenged when the Cortes meets in the autumn.



(Confidential.)

The French Ambassador tells me that the Minister for Foreign Affairs said to him this morning, in the course of conversation regarding General Alfau's retirement, that the Government intended shortly to take some vigorous steps in the Tetuan district. It appears that Raisuli is still the principal object of Spanish suspicion and resentment, and that Señor López Muñoz hinted that the move would be directed against that chieftain. In order to facilitate the military operations it would be necessary to pass Spanish troops through the international zone of Tangier, and such being the case, the Spanish Government would previously consult and ask leave of the British and French Governments. His Excellency spoke somewhat vaguely, but M. Geoffray has thought well to report his remarks to Paris.

I have, &c.
E. RENNIE.

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[38487] No. 56.

*Mr. White to Sir Edward Grey.—(Received August* 20.)

(No. 233.)
Sir, *Tangier, August* 13, 1913.

I HAVE the honour to transmit herewith copy of a letter addressed to the doyen of the Diplomatic Body by the Spanish Chargé d'Affaires, informing him that the port of Arzila has been declared by the Khalifa of the Spanish zone to be open to rade.

I have, &c.
HERBERT E. WHITE.

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Enclosure in No. 56.

*Señor Roberts to M. Advocaat.*

*Légation d'Espagne, Tanger,*
M. le Doyen, *le* 12 *août*, 1913.

J'AI l'honneur de porter à votre connaissance, en vous priant d'en informer les honorables membres du Corps diplomatique, que, d'après un dahir de Son Altesse Impériale, Muley-el-Mehdi, Khalifa de la zone d'influence espagnole au Maroc, le port d'Arzila vient d'être ouvert au commerce.

Veuillez, &c.
LÓPEZ ROBERTS.

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[38485] No. 57.

*Mr. Rennie to Sir Edward Grey.—(Received August* 20.)

(No. 141.)
Sir, *San Sebastian, August* 18, 1913.

WITH reference to the concluding paragraph of my despatch No. 139 of the 16th instant, marked Confidential, stating that the French Ambassador had been told by the Minister for Foreign Affairs that the Spanish Government were contemplating a move against Raisuli, I have the honour to inform you that the same evening M. Geoffray was informed by the Minister's "chef de cabinet" that instructions were being sent to the Spanish Ambassador in Paris to approach the Quai d'Orsay on the subject.

Last night the same official told M. Geoffray that instructions to ask leave to pass Spanish troops through the international zone at Tangier had now been sent to the Spanish Ambassadors both in London and Paris.

In speaking to me that morning Señor López Muñoz made no allusion to Morocco, and it would look as if this new move had been rather suddenly decided on by the Prime Minister, who, with the rest of the Cabinet, is now in Madrid.

I have, &c.
E. RENNIE.

[37815] No. 58.

*Sir Edward Grey to Sir F. Bertie.*

(No. 526.)

Sir, *Foreign Office, August* 22, 1913.

I HAVE observed with regret that the negotiations respecting Tangier, which were to receive their final settlement at Madrid, appear to have come to a standstill, and I understand that the draft convention and dahirs, as accepted by the British and French Governments at the end of June last, have not even yet been submitted to the Spanish Government.

I have no precise knowledge of the reasons for this delay, though I gather it is owing to the necessity which the French and Spanish Governments find for adjusting one or two points of detail between themselves before considering the Tangier drafts in their present form, but it is, I think, much to be deprecated, and I should wish your Excellency to take a favourable opportunity of reminding the Minister for Foreign Affairs of the great importance which he has himself attached to as early as possible a conclusion of the Tangier negotiations—an importance which the French Government urged on His Majesty's Government more than six weeks ago.

The matter is, moreover, one which should be pressed to a conclusion, not only in the interests of Tangier itself, but in order to bring British subjects in Morocco into normal relations with the authorities of the French protectorate.

As your Excellency is aware from my communication to the French Ambassador of the 18th ultimo ("Morocco" Print, July 18, Section 1), His Majesty's Government have undertaken to recognise the French protectorate in Morocco as soon as a final agreement is reached between the three Governments in regard to the arrangements for setting up the Tangier Municipality, but until then the position and rights of British subjects in Morocco remain unimpaired and as defined in the various treaties made by the Moroccan Empire.

This situation has already given rise to various instances of technical neglect on the part of the French authorities of the position of Great Britain in Morocco—for instance, a tax on the sale of real property has been imposed at Saffi and Mazagan without consulting the Diplomatic Body, as required by article 65 of the Algeciras Act: similarly, new customs stores regulations have been issued in place of those drawn up by the Diplomatic Body and the Makhzen, under article 93 of the Algeciras Act, without any reference to the former; and Sid Guebbas addresses communications for the information of His Majesty's Chargé d'Affaires under the form of, "Délégué de son Excellence l'illustre Ministre des Affaires Étrangères," *i.e.*, General Lyautey. These observations certainly are mainly concerned with formalities; they do not apply to those Powers who have recognised the French protectorate, and I do not wish to be considered as attaching any undue importance to them, but I am anxious that it should be borne in mind that a more difficult problem may easily arise. British subjects have certain clearly defined rights under their treaties, and it may well happen that a case may occur of a British subject refusing to obey some decree of the French authorities which conflicts with those treaty rights, and His Majesty's representative in Morocco has no alternative, as things are to-day, but to support the position taken up by his national.

I am convinced that the Government of the republic would regret such a situation as much as His Majesty's Government, and I would therefore request your Excellency to point out to the Minister for Foreign Affairs, in the most friendly manner, the great desirability of hastening the completion of the Tangier negotiations and thereby removing all danger of a difficult or disagreeable incident.

Your Excellency should at the same time tell M. Pichon unofficially that my attention has been called to the violent campaign against the scheme drawn up in Madrid for the internationalisation of Tangier which is being conducted by the "Dépêche marocaine" and "El Faraqqi," local French and Arabic newspapers, whose connection with the French Legation is open and undisputed. Quite apart from the prejudice thereby created against the establishment of the Municipality, it seems to me that the local effect of the knowledge that the French Legation is opposed to the scheme, or at least sanctions these attacks upon it, must be deplorable, and the result may be to make it difficult for the French Government to ensure, when the time comes to bring the Municipality into being, that loyal co-operation on the part of their officials in Tangier which is essential to secure the prosperity and efficient



administration of the international zone—an end that I am confident the Government of the republic desire as much as do His Majesty's Government.

I am, &c.
E. GREY.

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[40368] No. 59.

*Mr. Norton to Mr. Clerk.—(Received September* 1.)

211, *King's Road, Chelsea,*
*August* 30, 1913.

Dear Clerk,

THERE has been some delay in getting on with the Tangier harbour project owing to the obstruction of the Spaniards, who have been holding out for a larger share in the capital of the new company than the 21 per cent. which it is proposed to allot to them.

I hear from Paris that an official *démarche* is going to be made at Madrid with the object of inducing the Spaniards to be content with the participation offered them; and I expect that if His Majesty's representative were to associate himself with the French in this, it would help to bring the Spaniards to reason and we should be able to get to business.

Yours sincerely,
R. D. NORTON.

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[40773] No. 60.

*Sir F. Bertie to Sir Edward Grey.—(Received September* 4.)

[By Post.]

(No. 121.)

(Telegraphic.) *En clair.* *Paris, September* 3, 1913.

YOUR despatch No. 526 of 22nd August.

I have not yet been able to obtain an appointment with M. Pichon, who is absent from Paris, but I have spoken this afternoon to the Political Director on the subject of Tangier.

M. Paléologue says that the French Government regret as much as His Majesty's Government the delays in the conclusion of the Tangier negotiations, but on a careful examination of the projet of convention various objections were raised by General Lyautey and other competent persons to some of its provisions as impracticable. The French Government are about to propose certain important modifications, which will in no way detract from the international character of the Tangier municipality, for the French Government are fully determined to join in creating at Tangier a municipality quite apart from the Morocco Protectorate, they having taken the engagement to constitute a special régime in conformity with the engagements of 1904.

M. Paléologue said that the new proposals would be communicated to the Foreign Office in about ten days.

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[40773] No. 61.

*Sir Edward Grey to Sir F. Bertie.*

(No. 325.)

(Telegraphic.) *En clair.* *Foreign Office, September* 4, 1913.

YOUR telegram No. 121 of 3rd September: Tangier.

We must of course await the French proposals, but it is much to be regretted that the settlement so recently negotiated should be still further delayed.

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[40885] No. 62.

*Mr. Rennie to Sir Edward Grey.—(Received September 5.)*

(No. 144.)

Sir, *San Sebastian, September* 2, 1913.

WITH reference to my despatch No. 142 of the 23rd August, respecting the communication made to the Spanish Government in regard to their proposal to land troops in the Tangier zone, I have the honour to forward herewith the translation of a *note verbale* dated the 29th August, which I received last night from the Ministry of State.

A note has been addressed to the French couched in similar terms, but containing a brief addition in the first paragraph, referring to the proximity of the sphere of the two countries and their consequent joint interest in the question; while in the second paragraph, after the last phrase running "the firm decision to support each other mutually," reference is made to the communications that recently took place between Guebbas and Raisuli. In its final paragraph the note speaks of the "painful impression" caused by the objections raised by His Majesty's Government, a phrase which it will be noticed has been omitted in the note addressed to His Majesty's Embassy.

I have, &c.
ERNEST RENNIE.

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Enclosure in No. 62.

*Note verbale communicated to Mr. Rennie.*

IN deciding to occupy certain positions immediately adjoining the international zone, and more especially Cuesta Colorada and Zinat, His Majesty's Government have been influenced mainly by two considerations, namely, the creation of a barrier between that zone and the rebel bands, which might perhaps at a given moment be able to endanger the tranquillity of Tangier, and the expediency of facilitating the rapid executions of the plans for the Tangier–Fez Railway. Both of these objects, far from being a matter of interest to the Spanish Government alone, have provoked from that of Great Britain an expression of their anxiety on the subject.

It did not occur to the Spanish Government that the proposal that Spanish troops in small numbers should pass without stopping through the international zone, in order to co-operate in the movement against Zinat, would give rise to objections on the part of Great Britain, inasmuch as, with the consent of Mr. White, a clause was inserted in the convention relating to the municipality to meet the question of the passage of armed forces through Tangier, which laid down that in no case should they stay longer than forty-eight hours—a period which in the present case was never contemplated. The clause in question would scarcely be brought into effect except on an occasion such as that now under the consideration of the Spanish Government. It is difficult to imagine that the rapid passage through the international zone of a few Spanish troops would give rise to any inconvenience. On the contrary, apart from the material advantages, it is one which might be thought capable of producing the moral result of demonstrating to the natives the intimate understanding existing between the protecting Powers in Morocco and their firm decision to support each other mutually.

The Minister of State, in informing His Britannic Majesty's Embassy that the project has been abandoned in deference to the opinion expressed by His Majesty's Government, cannot conceal the fact that the objections in question increase the difficulties in the way of attaining an object which, as already stated, is of general and not exclusively Spanish interest.

*San Sebastian, August* 29, 1913.

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[41413] No. 63.

*Agreement respecting the Morocco Mining Regulations signed at Berlin on July* 26, 1913, *by Delegates of French, German, and Spanish Governments.*

(Communicated by the French and Spanish Representatives jointly, September 5, 1913.)

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*Procès-verbal.*

LES jurisconsultes soussignés, délégués par es Gouvernements d'Allemagne, d'Espagne et de France, à savoir :

Pour l'Allemagne, M. Kriege, Docteur en Droit, Directeur au Département des Affaires Étrangères, Conseiller actuel intime de Légation, Membre de la Cour permanente d'Arbritrage de La Haye ;

Pour l'Espagne, M. Vicente Santamaria de Paredes, ancien Ministre, Sénateur, Président du Conseil de l'Instruction publique, Professeur de Droit à l'Université de Madrid ;

Pour la France, M. Louis Renault, Ministre plénipotentiaire, Membre de l'Institut, Professeur à la Faculté de Droit de l'Université de Paris et à l'École libre des Sciences politiques, Jurisconsulte du Ministère des Affaires Étrangères, Membre de la Cour permanente d'Arbitrage de La Haye ;

Chargés d'examiner les réclamations soulevées par le Règlement minier marocain de 1913 ;

Soumettent à leurs Gouvernements respectifs le résultat de leurs délibérations qui se sont poursuivies à Berlin du 27 juin au 26 juillet, 1913, dans un mutuel esprit de conciliation :—

1. Ils estiment que la liquidation du passé minier pourrait se faire conformément au projet de règlement annexé au présent procès-verbal. Un bref commentaire y est joint dans le but de renseigner les Gouvernements et de guider les autorités chargées d'appliquer le règlement.

2. L'article 60 du règlement de 1913, qui avait donné lieu à des objections fondées notamment sur l'article 9 de l'Accord franco-allemand du 4 novembre, 1911, est supprimé, de manière à laisser le droit commun s'appliquer aux litiges qui y étaient prévus ainsi qu'aux réclamations contre les décisions du Service des Mines qui porteraient atteinte à un droit privé.

3. Les délégués d'Espagne et de France exposeront à leurs Gouvernements l'utilité qu'il y aurait à ce que, dans la nouvelle édition du Règlement minier à communiquer aux Puissances, les articles 19, 32 et 46, ainsi que les dispositions correspondant aux articles 54 et 62 (dont la numérotation sera forcément changée) fussent rédigés de la manière suivante :—

"ARTICLE 19.

"L'attributaire doit payer, par année et par avance, une taxe fixe de 20 centimes par hectare de terrain compris dans son périmètre de recherche, délimité comme il est dit à l'article 12.

"En aucun cas la redevance annuelle ne peut être inférieure à 300 fr. par permis.

"La taxe devra être payée par année et d'avance ; en cas de retard dans le payement, l'intéressé sera mis par le Service des Mines en demeure de s'acquitter, et son permis sera annulé s'il n'a pas satisfait à cette mise en demeure dans le délai d'un mois, à dater de la notification faite dans les conditions prévues à l'article 8.

"ARTICLE 32.

"Le titulaire d'un permis d'exploitation devra payer, par hectare, une taxe annuelle fixée, savoir :

"Pour les mines de fer et de combustibles : à 1 fr. la première année, 2 fr. la seconde année, et 2 fr. 50 c. à partir de la troisième année.

"Pour les mines d'autres substances : à 1 fr. 50 c. la première année, 2 fr. 50 c. la deuxième année, et 3 fr. 50 c. à partir de la troisième année.

"Cette taxe sera due à partir du 1er janvier ou du 1er juillet qui aura précédé la remise du dahir d'institution ; elle sera exigible par semestre et d'avance, et payable, pour le semestre au cours duquel aura été délivré le dahir, au moment de cette délivrance, et, pour les semestres suivants, le 1er janvier et le 1er juillet.

"En cas de retard dans le payement, l'intéressé sera mis en demeure de s'acquitter par le Service des Mines, qui prononcera la déchéance du permissionnaire, s'il n'a pas été satisfait dans un délai de deux mois à cette mise en demeure.

"Aussitôt la déchéance prononcée, la mine est, par les soins du Service des Mines, et après avis donné au public, dans les conditions indiquées au § 1 de l'article 27, vendue en adjudication publique au profit de l'exploitant déchu ou de ses créanciers.

"L'adjudication portera, en même temps que sur la mine elle-même, sur toutes ses dépendances et installations accessoires, sur les voies de communication la desservant et qui auraient été établies par l'exploitant à ses frais exclusifs, et sur tous droits et servitudes acquis par ledit exploitant.

"La somme provenant de l'adjudication sera consignée à la Banque d'État pour être répartie à qui de droit, après déduction de tous les frais avancés par le Service des Mines pour arriver à l'adjudication.

"En aucun cas l'adjudication ne pourra avoir lieu à un prix inférieur au montant de ces frais.

"Dès la signification de la déchéance, il est interdit à l'exploitant de détourner ou enlever de la mine, ou de ses dépendances, tout objet placé à demeure ou non, en dehors des simples approvisionnements, à peine d'être poursuivi personnellement à la requête de l'adjudicataire pour tous détournements faits en opposition avec la présente disposition.

"Le Service des Mines peut, aussitôt la déchéance prononcée et notifiée, faire placer la mine en sequestre pour assurer l'exécution de la disposition qui précède.

"Si, après deux tentatives à trois mois d'intervalle, la mine n'a pas été adjugée, le permis est annulé par dahir chérifien ; le Service des Mines fait enlever les bornes, et les terrains deviennent libres comme si la mine n'avait pas été instituée, l'attributaire pouvant toutefois enlever tous les engins d'exploitation et toutes les installations de surface par lui établis ; il devra avoir opéré cet enlèvement dans un délai maximum de six mois, faute de quoi lesdits engins et installations resteraient acquis sans indemnité à l'État marocain.

"Article 46.

"Il sera établi sur les produits des mines, pour être perçues à l'exportation par les agents des douanes aux frontières terrestres et maritimes du Maroc, les taxes, ci-après, savoir :—

"Sur toutes les substances comprises dans la classe de mines et non transformées en métaux bruts ou alliages, 3 pour cent *ad valorem*.

"Sur les métaux bruts, à l'exception de l'or, et sur les alliages tirés de substances extraites au Maroc, 3 pour cent *ad valorem*.

"Sur l'or, 10 pour cent *ad valorem*.

"La fixation de la valeur des diverses substances ci-dessus étant faite au point de sortie par les agents des douanes d'après les mêmes règles que celles de la valeur des marchandises à l'entrée.

"Les métaux ouvrés seront exempts de taxes; il en sera de même des substances minérales, métaux bruts ou alliages sortant par réexportation, mais à charge expresse par le réexportateur d'établir leur certificat d'origine.

"Article 54.

"Une même personne ou une même société ne peut détenir simultanément au Maroc, pour quelque motif que ce soit, des droits d'exploitation sur plus de 60,000 hectares, à peine d'encourir la déchéance de ses permis, en conformité de l'article 32 du présent dahir. Exception est faite :



"1. Pour les adjudications qui seraient passées en vertu de l'article 53.*

"2. Pour les sociétés auxquelles le Makhzen croirait devoir concéder des ouvrages de viabilité ou de navigation dont lesdites sociétés s'engageraient à assurer l'établissement et l'exploitation aux conditions qui seraient, dans chaque cas, déterminées par le dahir d'institution. Il est expressément entendu que les mêmes dahirs pourraient, en ce cas, imposer aux concessionnaires le payement d'une redevance venant s'ajouter aux redevances fixes à l'hectare, et aux redevances *ad valorem*, prévues au titre III.

"Les concessions prévues par le 2° de cet article devront être publiées au 'Journal officiel' du protectorat.

"Article 62.

"Le Makhzen peut, par voie de mesure générale et pour des motifs de sécurité, suspendre le droit de rechercher des mines et celui d'acquérir des permis de recherche ou d'exploitation dans des régions déterminées. Ces mesures sont publiées dans le 'Journal officiel' du protectorat.

"Les droits acquis antérieurement continueront à pouvoir être exercés dans ces régions aux risques et périls des intéressés.

"Le délai fixé par l'article 18 ne court pas et les droits fixes mentionnés aux titres II et III ne sont pas dus tant que dure d'interdiction."

4. Les délégués d'Espagne et de France déclarent, en outre, que, en tant que l'article 5 de l'Accord franco-allemand du 4 novembre, 1911, ne s'y oppose pas, ils réservent à leurs Gouvernements respectifs la faculté de modifier les taux des taxes prévues aux articles 19 et 32 après un délai de sept ans à partir de la publication du Dahir chérifien sur les Mines et de modifier le taux de la taxe prévue à l'article 46 après un délai de dix ans à partir de la même date.

5. Si le résultat des travaux des trois délégués est accepté par les Gouvernements intéressés, il appartiendra à ceux-ci de donner un caractère obligatoire aux propositions consignées dans le présent procès-verbal.

Fait à Berlin, en trois exemplaires, le 16 juillet, 1913.

KRIEGE.
V. SANTAMARIA DE PAREDES.
L. RENAULT.

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*Règlement ayant pour but la Solution des Litiges miniers qui ont une cause antérieure à la publication du Dahir chérifien sur les Mines en date du*

Article 1er.—*Organisation d'une Commission arbitrale.*

Toute personne ou société qui croirait avoir des droits, titres ou réclamations à présenter pour des actes ou faits remontant à une date antérieure à la publication du Dahir chérifien sur les Mines, doit, dans les formes spécifiées à l'article 3, présenter sa requête à une Commission arbitrale composée comme il suit :—

Un surarbitre que Sa Majesté le Roi de Norvège sera prié de désigner parmi les magistrats ou anciens magistrats norvégiens, un membre nommé par le Makhzen, un membre nommé par chacune des Puissances dont les requérants éventuels sont les ressortissants. En cas de démission ou de décès d'un membre, il est pourvu à son remplacement selon le mode fixé pour sa nomination.

La Commission est constituée et fonctionne de la manière fixée dans l'article 3.

La Commission a son siège à Paris. Elle pourra se transporter momentanément là où elle le jugera utile, afin de se procurer des moyens d'information, ou y déléguer le surarbitre.

Un bureau dont le personnel sera désigné par le surarbitre sera mis à la disposition de la Commission pour lui servir de greffe. Feront partie de ce personnel un expert versé dans la matière minière et un ou plusieurs secrétaires.

La langue dont la Commission fera usage et dont l'emploi sera autorisé devant elle sera le français, comme langue internationale.

* Il pourra y avoir lieu de tenir compte d'un changement de numérotation.

Les sommes que les requérants doivent verser à la Banque d'État d'après les prescriptions de l'article 3, formeront un fonds unique destiné à couvrir les frais de la juridiction arbitrale comprenant :

1. Une indemnité mensuelle à allouer au surarbitre ainsi que les frais de ses voyages au Maroc et de ses déplacements officiels.
2. Une indemnité mensuelle pour le membre nommé par le Makhzen et les frais de ses déplacements officiels.
3. Les salaires du personnel du bureau de la Commission ainsi que les frais de leurs déplacements officiels.
4. Les dépenses de toute nature engagées par la Commission et le bureau pour l'instruction des affaires.

En cas d'insuffisance des versements au fonds unique, le déficit sera supporté par le Makhzen ; dans le cas contraire, l'excédent sera réparti entre les intéressés au prorata de leurs contributions.

Les indemnités et les frais de voyage à payer aux membres de la Commission désignés par les divers Gouvernements seront à la charge de ces Gouvernements.

ARTICLE 2.—*Compétence de la Commission arbitrale.*

La Commission arbitrale décidera souverainement si les droits de recherche ou d'exploitation réclamés à raison d'actes ou de faits remontant à une date antérieure à la publication du Dahir chérifien sur les Mines, reposent sur une base juridiquement valable et, en cas de décision négative, si et jusqu'à quel point une indemnité peut être mise à la charge du Makhzen en raison de frais occasionnés par l'acquisition des prétendus droits.

La Commission décidera également si et jusqu'à quel point, pour des raisons d'équité, il y a lieu d'accorder des permis de recherche ou des permis d'exploitation aux personnes ou sociétés qui se prévaudraient de faits et circonstances antérieurs à la publication du Dahir chérifien sur les Mines, par exemple de la possession de gîtes ou gisements, de travaux ou installations d'utilité minière, exécutés dans le périmètre sollicité, de la propriété de tout ou partie des terrains du même périmètre acquis pour obtenir des droits miniers.

En cas de concurrence pour un même périmètre entre des requêtes admises, en vertu de l'un ou de l'autre des deux alinéas qui précèdent, au profit de ressortissants de différentes Puissances, la Commission se prononcera comme amiable compositeur sur l'attribution dudit périmètre, avec la faculté d'allouer au requérant évincé à la charge de l'attributaire, telle indemnité qu'elle jugera équitable, à raison d'acquisitions faites au propriétaire du sol pour obtenir des droits miniers ou en compensation des dépenses engagées par ledit requérant pour des recherches ou travaux d'utilité minière.

La Commission pourra attribuer des périmètres de recherche ou d'exploitation d'une forme et d'une étendue autres que celles définies respectivement aux articles 12 et 25 du Dahir chérifien sur les Mines, et notamment conserver leur forme aux périmètres circulaires dans lesquels auraient été déjà entreprises des opérations de recherche.

Elle pourra fixer discrétionnairement la durée des permis de recherche.

Les permis attribués par la Commission seront assimilés, pour tous droits et obligations qui en dérivent, aux permis de recherche et d'exploitation accordés conformément aux titres II et III du Dahir chérifien sur les Mines. Ils seront délivrés par les Service des Mines aussitôt après les décisions de la Commission, quand l'attributaire d'aura pas à payer d'indemnités à des tiers, mais seulement sur la production de quittances constatant le payement intégral de ces indemnités dans le cas contraire.

Les indemnités à payer par chaque attributaire à ses concurrents évincés seront prélevées sur l'excédent éventuel qui lui reviendrait sur la provision consignée à la Banque d'État par cet attributaire, sans préjudice de l'obligation de celui-ci de payer le surplus de sa dette en cas d'insuffisance de la provision.

Si un permis est accordé en vertu d'un contrat particulier reconnu valable en droit, la Commission peut compenser, par une indemnité à la charge de l'une des parties et au bénéfice de l'autre, la différence résultant, pour le permis, de l'ensemble des avantages et des obligations du Dahir chérifien sur les Mines avec l'ensemble des avantages et des obligations du contrat originaire ; dans ce cas, le réclamant sera autorisé à compenser le montant d'une indemnité accordée à la charge du Makhzen



avec les droits qu'il aurait à payer au Makhzen en vertu des titres II et III du Dahir chérifien sur les Mines.

ARTICLE 3.—*Procédure.*

Toutes les requêtes mentionnées à l'alinéa 1 de l'article 1er devront, sous peine de forclusion, être présentées au bureau de la Commission arbitrale dans le quatrième mois qui suivra la publication du Dahir chérifien sur les Mines ; chaque requête sera accompagnée de onze copies certifiées conformes.

Pour être recevable la requête doit faire connaître :

1. Les nom, prénoms, profession et domicile du requérant, ainsi qu'éventuellement du représentant qu'il aura à ce spécialement désigné, et, si la requête est présentée par une société, sa désignation ;
2. Le domicile élu au siège de la Commission par le requérant auquel toutes notifications seront valablement faites audit domicile ;
3. Les faits et circonstances sur lesquels la requête est fondée avec les moyens de preuve à l'appui, les documents invoqués devant être produits en copies certifiées conformes ;
4. Les points de vue juridiques auxquels se place le requérant ;
5. Le périmètre de recherche ou d'exploitation sur lequel on réclame des droits, de manière à en assurer l'identification sur le terrain, en produisant notamment les cartes à l'échelle de 1 : 250,000, et les plans et croquis, dûment orientés, à l'échelle de 1 : 10,000, avec la représentation du périmètre sollicité et des coordonnées définissant son centre ; le périmètre doit être continu ;
6. Le versement à la Banque d'État d'une somme fixe de 500 fr. et d'une somme calculée à raison de 2 centimes par hectare compris dans le périmètre, versement dont quittance sera dûment annexée.

Le surarbitre donne ou fait donner un récépissé daté de chaque requête. Il envoie sans délai deux copies de cette requête au Service des Mines. Dans le cinquième mois il notifie au requérant les vices relevés dans sa demande ; il les fait connaître également au Service des Mines. Celui-ci, éventuellement, fait, dans le même délai, connaître au surarbitre comme au requérant les observations de forme ou de fond que lui suggère la requête. Le requérant peut, dans le sixième mois, rectifier sa demande originaire.

Avis de chaque requête sera publié, par les soins du Service des Mines, dans le " Journal officiel " du protectorat. Chaque requête est tenue à la disposition du public dans le bureau de la Commission, jusqu'à la fin du sixième mois qui suivra la publication du Dahir chérifien sur les Mines. A l'expiration de ce délai de six mois le surarbitre, avec le concours du Service des Mines, fera dresser une carte générale établissant l'état des zones sur lesquelles des droits de recherche ou d'exploitation sont revendiqués. Cette carte sera communiquée au public dans les bureaux de la Commission et du Service des Mines.

L'instruction terminée, le surarbitre convoque la Commission, composée suivant la nationalité des requérants.

Chaque intéressé doit d'abord justifier de son droit devant une commission composée du surarbitre, d'un arbitre du Makhzen et d'un arbitre désigné par le Gouvernement du requérant. Si l'intéressé est débouté ou s'il n'a pas de concurrent, la décision de la Commission termine l'affaire.

Si un même périmètre est revendiqué par deux personnes de nationalités différentes qui ont, chacune de leur côté, obtenu une décision favorable de la Commission, la question est tranchée définitivement entre elles par une commission composée du surarbitre et de deux arbitres nommés par les deux Gouvernements auxquels appartiennent les réclamants.

Le même système s'applique au cas où il y aurait plus de deux concurrents de nationalités différentes.

La Commission pourra inviter le Service des Mines et les requérants à compléter leurs indications en leur fixant un délai à cet effet ; elle pourra les entendre personnellement comme ils pourront demander à être entendus par eux-mêmes ou par leurs mandataires. Les explications seront toujours données contradictoirement.

Les requérants pourront faire valoir les motifs qui les ont empêchés de fournir tous les documents qui auraient dû être joints à leur demande, et la Commission, appréciant ces motifs, aura la faculté de les dispenser de la production desdits documents.

La Commission pourra procéder d'office à l'établissement de tous moyens de preuve ; elle s'inspirera à cet effet des principes établis dans les articles 24 à 28 de la Convention de La Haye pour le règlement pacifique des conflits internationaux en date du 18 octobre, 1907.

Les débats sont dirigés par le surarbitre ; toute décision de la Commission est prise à la majorité de ses membres. La sentence mentionne les noms des arbitres ; elle est motivée et signée par le surarbitre et le secrétaire faisant fonction de greffier.

Toute sentence est notifiée, par les soins du surarbitre, au Service des Mines et au requérant. Après l'émission de la sentence, l'état des zones sera modifié en conformité.

Dans les cas où plusieurs requêtes, se rapportant au même périmètre et présentées par des ressortissants de différentes Puissances, sont reconnues comme valables conformément aux alinéas 6 et 7, le surarbitre fera notifier aux intéressés les sentences arbitrales qui ne leur auraient pas été notifiés ainsi que les documents s'y rattachant (requête, observations du Service des Mines) ; il invitera les parties à présenter, dans le délai d'un mois, leurs observations et à faire, dans le même délai, sous peine de forclusion, le versement à la Banque d'État d'une somme calculée à raison de 10 centimes par hectare du terrain de recherche ou d'exploitation simultanément revendiqué par elles. Le délai expiré, le surarbitre réunira la Commission composée comme il est dit à l'alinéa 7. La procédure sera réglée suivant les dispositions des alinéas 9 à 13. Si les arbitres se trouvent en nombre pair, le surarbitre a voix prépondérante en cas de partage.

Si une sentence soulève une difficulté d'interprétation, la Commission qui l'a rendue est compétente pour la résoudre.

ARTICLE 4.—*Mesure provisoire concernant les Terrains miniers litigieux.*

Jusqu'à ce qu'il ait été définitivement statué par la Commission arbitrale sur des revendications présentées dans les termes de l'article 3, alinéa 7, celui des requérants qui justifiera d'une possession de fait et d'un commencement d'exploitation effective, pourra seul être autorisé par le surarbitre, provisoirement et moyennant caution, l'autre partie dûment entendue, à continuer à exploiter le terrain et à exporter les minerais extraits.

Si un périmètre est réclamé par un seul requérant qui justifie d'une possession de fait et d'un commencement d'exploitation effective, la même autorisation provisoire peut être accordée par le surarbitre moyennant caution et après avoir entendu le Service des Mines.

Dans les deux cas qui viennent d'être prévus, l'autorisation sera donnée sous réserve du paiement, par an et par périmètre exploité, d'une somme fixe de 500 fr., et, en outre, de la taxe proportionnelle de l'article 46 du Dahir chérifien sur les Mines.

En aucun cas, et pour quelque motif que ce soit, cette exploitation ne peut préjuger la décision de la Commission arbitrale sur l'attribution des périmètres revendiqués.

L'autorisation n'est jamais accordée qu'à titre précaire et révocable. Son retrait ne peut ouvrir aux bénéficiaires aucun droit à indemnité, quelles que soient les causes pour lesquelles il soit prononcé.

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*Bref Commentaire du Projet de Règlement ayant pour but la Solution des Litiges miniers qui ont une cause antérieure à la publication du Dahir chérifien en date du*

ARTICLE 1er.—*Organisation d'une Commission arbitrale.*

Pour la composition de la Commission arbitrale organisée, il y a lieu de remarquer qu'outre le surarbitre, il doit y avoir un membre nommé par le Makhzen (directement ou par le Khalifa dans la zone espagnole) en tant que représentant les intérêts généraux du Maroc, et un membre nommé par chacune des Puissances dont les requérants éventuels sont les ressortissants. Il faut bien noter que l'Espagne et la France ne s'identifient pas avec le Makhzen en tant qu'il s'agit de la protection de leurs nationaux ; de même, il y aura une représentation pour les Marocains requérants, indépendamment de la représentation du Makhzen. Cela sera expliqué en détail à propos de la procédure.



Il ne doit pas y avoir une commission fonctionnant avec tous les membres qui viennent d'être indiqués, mais une commission dont l'élément fixe sera le surarbitre et dont les autres éléments varieront suivant les intérêts nationaux qui sont en jeu. C'est ce qu'indique implicitement l'article 1er et ce qui est développé dans l'article 3.

Le siège de la Commission arbitrale n'est pas fixé, c'est à la France et à l'Espagne de le déterminer, qu'il s'agisse d'une commission unique ou de deux commissions distinctes.

Pour la langue, le français est indiqué comme langue internationale, usitée dans les conférences internationales. De fortes considérations pratiques existent dans l'espèce en faveur de son emploi ; elles sont tirées notamment de la personnalité du surarbitre, des arbitres et aussi de celle des requérants ; les uns et les autres connaîtront vraisemblablement mieux le français qu'une autre langue différente de la leur. On ne peut laisser à la Commission arbitrale, par suite de sa composition même, le soin de choisir la langue dont elle se servira et dont l'usage sera autorisé devant elle. Pour le cas où il y aurait deux commissions, le délégué espagnol a réservé pour son Gouvernement la faculté de désigner l'espagnol comme langue de la Commission siégeant dans sa zone. De leur côté, les délégués de l'Allemagne et de la France ont réservé, dans ce cas, la faculté, pour leurs arbitres et leurs ressortissants, de se servir de leur propre langue.

Le principe d'une indemnité mensuelle pour le surarbitre pouvait seul être posé. Le chiffre dépendra de l'accord à intervenir avec le Gouvernement norvégien. Celui que contenait le projet de 1910 pour les membres du tribunal arbitral qui était constitué, ne saurait évidemment être maintenu, puisque ces membres devaient continuer à résider à Lausanne, tandis qu'il s'agit d'un juge devant venir s'établir au Maroc.

ARTICLE 2.—*Compétence de la Commission arbitrale.*

Les dispositions de cet article sont presque entièrement empruntées au projet de 1910 ; il ne semble donc pas nécessaire de les commenter ici.

ARTICLE 3.—*Procédure.*

Les requêtes sont présentées au Bureau de la Commission arbitrale dans le quatrième mois qui suivra la publication du Dahir chérifien sur les Mines. Il doit y en avoir un original et onze copies certifiées conformes. L'original reste naturellement au secrétariat de la Commission, les copies sont destinées aux arbitres, au Service des Mines, à la communication au public et, le cas échéant, aux adversaires du requérant.

L'article énumère avec précision ce que doit contenir la requête pour que la Commission arbitrale soit en mesure de se rendre compte de la nature et de la portée de la demande. Il pourrait se faire que le requérant fût dans l'impossibilité de satisfaire à toutes les exigences de la disposition, en ce qui concerne les pièces à produire ; comme cela est expliqué, il fera valoir ses motifs devant la Commission qui aura la faculté de le dispenser de la production des documents qu'il lui aura été impossible de se procurer.

Dans le système proposé, on envisage que le surarbitre entrera en fonction dès le quatrième mois. C'est à lui qu'il appartiendra de donner ou de faire donner à chaque requérant un récépissé daté, de manière à constater que la requête a été présentée en temps utile. Il enverra aussitôt deux copies de la requête au Service des Mines qui doit la soumettre à un examen au point de vue de la forme comme du fond. Le surarbitre examine la requête et relève les vices qu'elle peut contenir, spécialement l'omission de telle ou telle mention exigée ; il fait connaître le résultat de son examen au Service des Mines et au requérant. De son côté, le Service des Mines communique ses observations au surarbitre et au requérant. C'est dans le cinquième mois que le requérant doit être ainsi avisé, soit par le surarbitre, soit par le Service des Mines. Le sixième mois lui est laissé pour rectifier sa demande originaire.

Les intéressés doivent être avertis de chaque requête qu'ils peuvent avoir à contredire. Aussi doit-il être donné sans retard avis de chaque requête dans le "Journal officiel" du protectorat et la requête même doit être tenue à la disposition du public le bureau de la Commission.

A l'expiration du sixième mois après la promulgation du Règlement minier, alors que l'on connaît toutes les requêtes, dûment complétées s'il y a lieu, le surarbitre, avec le concours du Service des Mines, fait dresser une carte qui permette de se

rendre compte des zones au sujet desquelles des requêtes sont présentées. Cette carte est naturellement communiquée au public.

Ces travaux préliminaires achevés, il appartient au surarbitre de convoquer la Commission arbitrale, dont la composition varie suivant la nationalité des requérants. Des explications sont peut-être ici nécessaires, parce que la situation est naturellement un peu compliquée.

Chaque intéressé doit d'abord justifier de son droit devant une commission composée du surarbitre, d'un arbitre du Makhzen et d'un arbitre désigné par le Gouvernement du requérant. La situation est la même pour les intéressés de toute nationalité, par exemple, pour les Français ou les Espagnols, et aussi pour les Marocains comme il a été dit plus haut. Si un Français est requérant, sa requête est soumise à une commission arbitrale composée du surarbitre, d'un représentant du Makhzen (qui peut être un Français) et d'un représentant du Gouvernement français. La même solution doit *mutatis mutandis* être donnée pour un requérant espagnol. S'il s'agit d'un réclamant marocain, il y aura dans la Commission, outre le surarbitre et le représentant du Makhzen, un représentant du Gouvernement chargé de la protection de ce Marocain. Ce peut être le Gouvernement marocain ou, suivant les cas, soit le Gouvernement français, soit le Gouvernement espagnol, qui, d'après les règles du protectorat, sont chargés de la protection des Marocains en matière internationale.

La Commission, composée comme il vient d'être dit, peut débouter le requérant; l'affaire est alors terminée, puisqu'il est jugé que celui-ci n'a pas de droit. La Commission peut, au contraire, reconnaître un droit au requérant. Si ce dernier n'a pas de concurrents, l'affaire est également finie et la sentence s'exécute au profit du requérant.

La situation se complique quand un même périmètre est revendiqué par deux personnes de nationalités différentes qui ont également fait admettre leur prétention devant deux Commissions arbitrales composées comme il vient d'être expliqué. Ainsi un Anglais et un Italien se disputent le même territoire, l'Anglais s'est présenté devant une commission composée du surarbitre, d'un représentant du Makhzen et d'un représentant anglais, qui a admis sa prétention; l'Italien a fait reconnaître la sienne par une commission composée du surarbitre, d'un représentant du Makhzen et d'un représentant italien. Il faut, en effet, que les intérêts généraux du Maroc aient été sauvegardés dans les deux cas. Au premier abord, il semble singulier que deux commissions donnent gain de cause à deux personnes différentes pour un même périmètre; cela sera néanmoins de nature à se présenter assez fréquemment à raison de ce que les deux commissions ont pu ne pas se placer au même point de vue pour rendre leurs décisions, comme les y autorise l'article 2: l'une a tenu compte du droit et l'autre de l'équité. Il s'agit donc de trancher de litige entre l'Anglais et l'Italien. Comment la Commission va-t-elle être constituée? Le Makhzen est alors écarté, parce qu'il n'a pas d'intérêt dans la question de savoir si tel périmètre doit être attribué à un Anglais ou à un Italien; c'est une querelle entre deux particuliers qui sera jugée par une commission composée du surarbitre, d'un représentant anglais et d'un représentant italien.

Le système qui vient d'être exposé devra être appliqué au cas où un même territoire serait disputé par plus de deux personnes de nationalités différentes. Au cas où, de cette façon, les arbitres seraient un nombre pair, la voix de surarbitre serait prépondérante s'il y avait partage.

Il pourra certainement y avoir des hypothèses assez compliquées dans lesquelles des étrangers de nationalités différentes, relativement nombreux, se disputeront un même territoire et où on pourra craindre des coalitions ayant pour but et pour résultat de dépouiller celui qui est le véritable ayant droit; on ne voit pas de quelle façon il serait possible, par des textes précis, d'empêcher de telles manœuvres. Il convient d'ajouter que, pour le succès de ces manœuvres, il ne faudrait pas seulement le concours des intéressés, mais aussi celui des arbitres; on ne doit pas supposer que des arbitres, nommés par leurs Gouvernements respectifs, donneront systématiquement raison à leurs nationaux.

L'hypothèse suivante a été indiquée: Un individu qui prétend avoir obtenu une concession minière s'appliquant à un périmètre étendu, en a cédé le bénéfice éventuel à plusieurs personnes de nationalités différentes. Comment la requête sera-t-elle soumise à la Commission arbitrale? Il y a lieu de faire une distinction. Si la concession originaire a donné lieu à des cessions de parts divises, il y a autant de requêtes distinctes que de cessionnaires et non une seule instance dans laquelle figureraient les divers cessionnaires. Si le concessionnaire a cédé seulement des parts indivises, s'il s'est associé diverses personnes quant au bénéfice pouvant résulter de la



concession, il est seul en jeu dans la requête, il est seul requérant, et c'est d'après sa nationalité que doit être constituée la Commission arbitrale.

Il est évident qu'une société ne compte que comme une personne, quels que soient le nombre et la nationalité de ses membres. La nationalité de la société elle-même sera déterminée suivant les règles ordinaires du droit international privé.

Il a toujours été parlé d'un litige entre plusieurs requérants de nationalités différentes, parce que, s'ils étaient de même nationalité il appartiendrait à leur juridiction nationale de régler leur différend.

La Commission une fois constituée, l'article 3 établit la procédure qu'elle devra suivre pour s'éclairer et donner aux intéressés des garanties suffisantes d'une bonne justice. Il pose des règles conformes à ce qui est généralement pratiqué par les tribunaux des divers pays et inspirées spécialement de la Convention de La Haye sur le règlement des conflits internationaux. Un commentaire paraît superflu.

Il y a seulement lieu d'insister sur ce qui se passe dans l'hypothèse prévue plus haut à propos de la composition de la Commission arbitrale. Un Anglais et un Italien ont fait admettre respectivement et isolément leur requête; il s'agit de statuer entre eux. Il faut que chaque partie soit au courant de la situation de son adversaire. Pour cela, le surarbitre fera notifier à l'Anglais la sentence arbitrale rendue au profit de l'Italien en y joignant la requête de celui-ci et les observations du Service des Mines; et *vice versâ*, il fera faire une notification identique à l'Italien. Puis, il invitera les parties à présenter, dans le délai d'un mois, leurs observations et à faire, dans le même délai, un versement à la Banque d'État pour les frais supplémentaires. Le mois expiré, la Commission, composée comme il a été expliqué ci-dessus, se réunira et la procédure suivra son cours ordinaire.

On comprend que l'on se soit préoccupé de la durée possible des procès et que l'on se soit demandé s'il ne conviendrait pas de fixer un délai maximum dans lequel les sentences devraient être rendues. A la réflexion, cela n'a pas paru possible. Pour un arbitrage ordinaire ayant pour objet une affaire déterminée, on comprend que l'on puisse se rendre compte de la durée maxima des délibérations du tribunal; il n'y a rien de semblable dans le cas actuel, où il s'agira certainement de plusieurs centaines d'affaires à juger. Qui pourrait avoir la prétention de déterminer même approximativement le temps nécessaire pour juger ces affaires? On ne peut que s'en rapporter à l'activité et au zèle des arbitres, spécialement du surarbitre, pour qu'ils prennent en considération l'urgence qu'il y a à ce qu'une situation, depuis si longtemps incertaine, soit liquidée dans le plus bref délai pour qu'ils recherchent s'il ne serait pas possible de classer les requêtes, de telle sorte que celles qui ne présenteraient pas de difficulté sérieuse fussent promptement réglées. Un tel vœu est tout ce qu'il a paru possible d'exprimer, mais il y a lieu d'espérer qu'il ne sera pas tout à fait inutile.

Il peut se faire qu'une sentence arbitrale soulève une difficulté d'interprétation. C'est la Commission qui la rendue qui, conformément au droit commun, est compétente pour la résoudre. Cette règle ne peut naturellement s'appliquer que tant que fonctionnera la juridiction arbitrale ici instituée. Quand cette juridiction aura disparu, ce sont les tribunaux ordinaires qui statueront. Il avait été proposé de dire que la compétence de la Commission arbitrale n'existerait qu'autant que la question d'interprétation s'élèverait dans un certain délai après la sentence. Mais on a fait remarquer que, par suite des circonstances, la difficulté d'interprétation ne serait peut-être soulevée qu'après qu'un temps relativement long se serait écoulé depuis la sentence; si, à ce moment, la Commission arbitrale siège encore, c'est elle qui sera à même de la résoudre le plus promptement.

### Article 4.—*Mesure provisoire concernant les Terrains miniers litigieux.*

L'article 4 règle une question assez délicate et pour la solution de laquelle divers intérêts doivent être conciliés. Un territoire minier est disputé par deux personnes. Chacune d'elles s'est fait reconnaître un droit dans les termes prévus par l'article 3, alinéa 6. Il reste à savoir à laquelle des deux sera attribué le territoire litigieux, ce qui doit être décidé conformément à l'alinéa 7 du même article. Le procès peut durer longtemps encore et le retard de la décision est particulièrement préjudiciable si l'un des plaideurs justifie d'une possession de fait et d'un commencement d'exploitation effective. Ce plaideur ne peut évidemment continuer de plein droit à exploiter et à exporter les minerais extraits, le principe étant qu'un plaideur n'a pas le droit de disposer de la chose litigieuse pendant l'instance, puisque son adversaire gagnant ensuite le procès ne serait pas sûr de recouvrer ce dont il aurait été ainsi disposé par une partie peut-être insolvable. Mais l'interdiction absolue d'exploiter et d'exporter

n'est dans l'intérêt de personne. Il est raisonnable qu'une autorisation soit accordée suivant les circonstances, à la condition qu'elle émane d'une autorité offrant toute garantie et que des précautions soient prises pour que l'autorisation n'entraîne pas de conséquence préjudiciable pour l'autre partie.

Quant à l'autorité compétente en pareil cas, il était naturel de songer à celle qui doit statuer sur le fond du litige, c'est-à-dire à la Commission arbitrale elle-même. Mais, s'il en est ainsi, la mesure court risque d'avoir peu d'efficacité pratique; la Commission craindra de créer un préjugé en autorisant l'une des parties et ne sera guère disposée à autoriser avant d'avoir son opinion faite sur le fond. Cette considération a fait admettre que le surarbitre serait plus à même de statuer promptement, c'est-à-dire utilement, sur une pareille demande. Il ne le fera qu'après avoir entendu la partie adverse, et il y a d'autant moins d'inconvénient à reconnaître une pareille faculté au surarbitre qu'il devra exiger une caution à fournir préalablement par le requérant.

Si un requérant n'a pas de concurrent pour le périmètre réclamé par lui, il peut avoir aussi intérêt à obtenir une autorisation provisoire avant que sa requête soit définitivement jugée. L'intérêt à sauvegarder en pareil cas, n'est pas celui d'une partie adverse qui n'existe pas, mais celui du Makhzen. En conséquence, c'est dans l'intérêt de celui-ci que sera donnée la caution et c'est le Service des Mines qui devra être entendu par le surarbitre avant qu'il accorde l'autorisation.

A propos des territoires miniers déjà exploités, une observation d'un caractère plus général doit être présentée. Le surarbitre aura à faire un classement des nombreuses affaires à juger. Déjà il a été dit qu'il était désirable que les affaires semblant ne pas présenter de difficulté sérieuse fussent d'abord et promptement liquidées. Dans le même ordre d'idées, il est permis d'exprimer le vœu que les affaires concernant des terrains pour lesquels il y a eu un commencement d'exploitation et d'exportation soient considérées comme particulièrement urgentes. Non seulement il y a en jeu des intérêts privés respectables, mais il est d'un intérêt général que les terrains puissent être exploités le plus vite possible. L'emploi de nombreux ouvriers dans le travail d'exploitation importe au maintien de l'ordre public et donne au pays une garantie de sécurité.

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[41413] No. 64.

*Revised Text of Morocco Mining Regulations*, 1913.

(Communicated by French and Spanish Representatives jointly, September 5.)

Titre Ier.—*Dispositions générales.*

ARTICLE 1er.

LE présent dahir a pour objet de déterminer les conditions de la recherche et de l'exploitation des mines dans l'Empire chérifien, tant par les sujets marocains que par les étrangers.

ARTICLE 2.

Sont considérés comme mines pour l'application du présent dahir, les gîtes naturels de substances minérales et fossiles suivantes :

Minerais d'où s'extraient tous métaux ou combinaisons métalliques;
Minerais de soufre ou d'arsenic;
Sels solubles ou associés à ces divers minerais;
Graphites et combustibles fossiles, à l'exclusion de la tourbe, hydrocarbures libres ou incorporés à des gangues;
Terres rares, telles que celles du zirconium, thorium et cérium;
Nitrates, borates et sels associés;
Phosphates;
Sels gemmes et de potasse et autres sels associés;
Sources et eaux salées souterraines d'où l'on peut extraire du sel.

Le droit d'exploiter ces substances ne peut être acquis qu'en vertu d'un permis accordé dans les formes prévues au Titre III du présent dahir, après institution



préalable d'un permis de recherche exclusif délimitant les droits de l'explorateur conformément aux dispositions du Titre II.

Les permis de recherche et d'exploitation donnent droit dans les limites de leur périmètre, et indéfiniment en profondeur, à toutes les substances classées dans les mines sous réserve des dispositions relatives aux nitrates, phosphates, sources et eaux salées souterraines, sels gemmes et de potasse, prévus à l'article 51 ci-après.

ARTICLE 3.

Sont considérés comme carrières les gîtes de substances minérales non classées dans les mines, notamment les gîtes de matériaux de construction, d'empierrement et d'amendements pour la culture des terres.

L'exploitation des carrières ainsi que des tourbières est laissée à la disposition des propriétaires du sol; elle est soumise à des règlements de police pour assurer la sécurité.

Le Makhzen aura le droit, pour l'exécution des travaux d'utilité publique, d'exploiter ou de faire exploiter les carrières appartenant à des particuliers, en conformité des règlements sur les carrières et sur les occupations temporaires.

ARTICLE 4.

En cas de contestation sur la classification légale d'une substance ou d'un gîte, il est statué par un dahir chérifien rendu sur avis conforme du Service des Mines.

ARTICLE 5.

Les permis de recherche et d'exploitation accordés en vertu du présent dahir ne peuvent faire obstacle aux droits coutumiers dont jouiraient les indigènes, pour l'extraction de certaines substances. Toutefois, les titulaires de permis d'exploitation peuvent être affranchis, pour tout ou partie de leur périmètre de ces droits coutumiers, moyennant le payement aux intéressés d'une indemnité qui, à défaut d'entente amiable, sera fixée par dahir chérifien rendu sur avis conforme du Service des Mines.

ARTICLE 6.

En cas de retard ou d'interruption dans l'exercice des droits à eux reconnus par les Titres II et III, par suite de difficultés qui ne seraient pas de leur fait, les obligations des intéressés envers le Makhzen, après dues justifications fournies par eux en temps utile, seront suspendues pendant la durée de ce retard ou de cette interruption, et les intéressés auront droit, s'ils le demandent, à une prorogation de leurs droits pour une durée égale à celle de ces retards ou interruptions.

ARTICLE 7.

La recherche et l'exploitation des mines peuvent être effectuées dans les conditions fixées au présent dahir, par tout individu ou par toute société régulièrement constituée.

Les demandes présentées au nom d'une société ne sont recevables que si elles sont accompagnées des pièces justifiant de la constitution légale de la société.

ARTICLE 8.

Tout individu ou le mandataire qu'il aurait régulièrement constitué pour agir en son lieu et place, ainsi que le représentant que toute société est tenue de désigner, doivent, pour l'application du présent dahir, avoir fait et notifié au Service des Mines élection de domicile au Maroc dans l'une des villes suivantes, à savoir: les ports ouverts au commerce extérieur et les villes de Fez, Marrakech, Meknès et Oudjda, ainsi que toutes autres villes qui seraient ultérieurement désignées par décision du Makhzen.

Toutes notifications relatives à l'application du présent dahir, seront valablement faites aux intéressés au domicile ainsi élu; à défaut d'élection de domicile, notification en sera valablement faite au représentant du Makhzen dans celle des localités ci-dessus la plus rapprochée du centre du carré qui délimite, d'après le permis originel, le périmètre des recherches.

ARTICLE 9.

Les fonctionnaires du Gouvernement chérifien et les fonctionnaires français à quelque classe qu'ils appartiennent ainsi que leurs parents jusqu'au second degré,

ne peuvent, dans la zone du protectorat, obtenir, directement ou indirectement, le droit de rechercher ou d'exploiter les mines, ni devenir mandataires ou représentants des intéressés dans ces affaires.

Tous actes faits en opposition à cette disposition sont nuls et de nul effet.

## Titre II.—*Des Recherches.*

### Article 10.

Les recherches de mines sont libres dans toute la zone du protectorat français sous l'observation des dispositions du présent règlement, sans que l'explorateur puisse disposer des substances classées dans les mines, abattues dans ses travaux, à moins d'avoir obtenu un permis exclusif de recherche dans les conditions prévues au présent titre.

### Article 11.

Le droit exclusif de recherche, en périmètre réservé, s'acquiert à la priorité de la demande régulière en la forme qui en a été remise au Service des Mines.

### Article 12.

Le perimètre réservé est un carré défini par son centre et par la longueur de ses côtés, lesquels seront toujours orientés suivant les directions nord-sud et est-ouest ; la longueur desdits côtés étant fixée par l'intéressé, mais devant être comprise entre 1 kilom. et 4 kilom. Dans le cas, toutefois, où le carré ainsi tracé serait reconnu, soit au moment même de l'instruction de la demande, soit après coup, recouper un autre carré faisant l'objet d'un permis antérieur, la limite des deux champs de recherche entre les deux points d'intersection sera représentée par le périmètre du carré ancien et non par celui du carré nouveau, de manière à éviter, en tout état de cause, tout empiétement de celui-ci sur le précédent.

A toute époque, le titulaire du permis nouveau pourra demander au Service des Mines de procéder suivant le principe ci-dessus à la délimitation de son champ de recherche, et des champs de recherche voisins, à condition de supporter les frais de l'opération, et de consigner d'avance, à la Banque d'État, à titre provisionnel, la somme qui sera fixée dans chaque cas, par le Service des Mines.

### Article 13.

Toute demande de permis de recherche doit, à peine de nullité, être précédée par la désignation matérielle sur le sol du centre du périmètre demandé.

A cet effet, il doit être établi, au centre du carré, un signal, avec une inscription faisant connaître la date de la pose du signal, le côté du carré et le nom du demandeur.

Le signal doit être maintenu en bon état pendant toute la durée du permis.

### Article 14.

Pour être recevable, la demande doit faire connaître :

Les nom, prénoms, profession et domicile du demandeur, ainsi qu'éventuellement du représentant qu'il aura à ce spécialement mandaté ; et, pour une société, sa désignation et le domicile élu de son représentant ;

Une déclaration du demandeur certifiant la pose du signal et indiquant la date à laquelle il a été posé.

Toutes pièces justificatives devront être jointes pour établir l'identité et le domicile des individus intervenant comme demandeurs ou représentants, et la validité du mandat pour ces derniers.

A la demande doivent être annexé :

Un exemplaire dans la partie utile d'une carte publiée au Maroc, au 1:250,000 au moins, ou, à défaut, la reproduction à cette échelle, au moins, d'une carte publiée à l'échelle du 1:500,000 au moins, avec la représentation du périmètre sollicité et des coordonnées définissant son centre ;



Des plans et croquis dûment orientés à l'échelle du 1:10,000 répétant les mêmes indications et les complétant autant que de besoin en ce qui concerne le repérage du centre par rapport aux points fixes les plus voisins ;

Et, enfin, un récépissé constatant le versement à la Banque d'État d'une somme égale à la redevance superficiaire due pour la première année de recherche.

Pour chaque périmètre sollicité, il doit être présenté une demande distincte.

### Article 15.

La demande doit être déposée au Bureau du Service des Mines et enregistrée immédiatement sur un registre spécial avec l'indication de la date et de l'heure du dépôt ; cette date et cette heure seront reproduites sur un récépissé remis à l'intéressé.

L'ordre de priorité est déterminé par l'ordre d'inscription sur le registre.

Le Service des Mines peut faire compléter les demandes qui présenteraient de simples lacunes de forme, sans que l'intéressé perde son droit de priorité, s'il fournit les renseignements à lui demandés dans le délai qui lui est imparti.

### Article 16.

Le Service des Mines répond aux demandes formulées, soit en accordant le permis, soit en faisant connaître à l'intéressé les motifs pour lesquels il croit devoir le refuser.

### Article 17.

L'explorateur a le droit de faire dans la zone qui lui est attribuée toutes les installations et tous les travaux qu'il juge utiles à la reconnaissance ou à l'étude des des gîtes. Il pourra disposer librement des produits concessibles provenant de ses travaux moyennant payement des redevances prévues à l'article 46, après qu'il en aura fait la déclaration au Service des Mines.

### Article 18.

Le permis est valable pour trois années grégoriennes, à compter de la date de sa délivrance.

A l'issue de ces trois ans, le même attributaire, s'il n'a pas demandé un permis d'exploitation, ne peut, pendant trois ans, se faire délivrer un nouveau permis sur les mêmes terrains.

### Article 19.

L'attributaire doit payer, par année et par avance, une taxe fixe de 20 centimes par hectare de terrain compris dans son périmètre de recherche, délimité comme il est dit à l'article 12.

En aucun cas, la redevance annuelle ne peut être inférieure à 300 fr. par permis.

La taxe devra être payée par année et d'avance ; en cas de retard dans le payement, l'intéressé sera mis par le Service des Mines en demeure de s'acquitter, et son permis sera annulé s'il n'a pas satisfait à cette mise en demeure dans le délai d'un mois, à dater de la notification faite dans les conditions prévues à l'article 8.

### Article 20.

Le permis de recherche en périmètre réservé constitue un droit mobilier.

Il peut être cédé et transféré comme tous droits mobiliers, étant entendu toutefois que la cession ou le transfert devront porter sur la totalité d'un périmètre, et non sur une partie seulement de ce dernier.

Toute cession ou tout transfert doit être notifié au Service des Mines et donnera lieu, outre les taxes ordinaires sur la cession des droits mobiliers, à une taxe spéciale de 300 fr., à verser à l'une des succursales de la Banque d'État, pour être portée au compte du protectorat français. Le récépissé est joint à l'avis de transfert donné au Service des Mines.

### Article 21.

A toute époque, le permissionnaire peut renoncer à son permis sur simple déclaration notifiée au Service des Mines, mais sans avoir droit, dans ce cas, à remise des taxes payées ou échues.

L'effet de la renonciation part de la date à laquelle aura été déposée au Service des Mines, ou transmise à celui-ci par lettre recommandée, la demande y relative.

Le permissionnaire doit, à la renonciation comme à la déchéance ou à l'expiration de son permis faire disparaître le signal du centre.

ARTICLE 22.

Lors de l'abandon d'un permis, pour quelque cause que ce soit, l'intéressé peut retirer tous les objets lui ayant appartenu, mais il ne peut, à aucune époque, réclamer aucun droit ni privilège pour les travaux par lui exécutés, sauf dans le cas prévu par l'article 53 pour l'inventeur d'un gîte de phosphate, de nitrate ou de sel gemme.

## Titre III.—*De l'Exploitation.*

ARTICLE 23.

Le permis d'exploitation d'une mine est concédé par dahir chérifien.

ARTICLE 24.

Le permis d'exploitation ne peut être obtenu que par le titulaire d'un permis de recherche en périmètre réservé, non périmé au moment de la demande.

ARTICLE 25.

L'étendue du permis d'exploitation sera de 2,000 hectares au plus et de 100 hectares au moins.

Son périmètre aura, sauf exception, admise par le Service des Mines, la forme d'un rectangle, dont les côtés seront orientés nord-sud et est-ouest, le petit côté n'étant pas inférieur au quart du grand.

Ce rectangle devra être compris, pour les trois quarts au moins dans les limites du périmètre de recherche ; il ne pourra, sans le consentement des intéressés, empiéter sur des terrains pour lesquels un tiers aurait des droits antérieurs de recherche ou d'exploitation.

ARTICLE 26.

La demande de permis d'exploitation doit être déposée au Service des Mines avec toutes les justifications nécessaires ; elle est accompagnée d'un plan à 1:10,000 portant l'indication du périmètre originaire de recherche et du périmètre d'exploitation solicitée, avec toutes les données nécessaires à la reconnaissance et à l'identification des bornes qui auront dû, au préalable, être posées aux sommets du périmètre par les soins du demandeur.

Le demandeur sera d'ailleurs tenu, de fournir au Service des Mines tous renseignements complémentaires que celui-ci jugerait utiles pour l'instruction de l'affaire.

ARTICLE 27.

La demande est tenue, dans les bureaux du Service des Mines à la disposition du public et portée en outre à la connaissance de ce dernier par des avis publiés dans les conditions prévues à l'article 50 ci-après.

Le public est avisé de même, au moins un mois à l'avance, de la date à laquelle le Service des Mines procédera sur place à une enquête pour reconnaître la régularité de la demande en vérifiant et faisant rectifier au besoin le bornage du périmètre demandé.

Le caïd ou le pacha dans la juridiction duquel est situé le susdit périmètre, est directement averti par le Service des Mines.

Les frais de l'instruction sont à la charge du demandeur qui, dans le délai de quinze jours à compter du dépôt de la demande, devra consigner, à titre provisionnel, la somme fixée par le Service des Mines, pour faire face à ces frais, faute de quoi il ne serait pas donné suite à la demande.

ARTICLE 28.

Après les formalités ci-dessus, il sera définitivement statué par un dahir chérifien, qui fixera le périmètre sur lequel portera le permis d'exploitation ; avis de la signature de ce dahir sera donné à l'intéressé.



Ce dernier sera également avisé, au cas de rejet de sa demande, et aussi au cas où l'octroi du permis sollicité serait ajourné pour des motifs de sécurité publique, et notamment par application de l'article 60 ci-après.

ARTICLE 29.

Avant que lui soit délivré le titre instituant le permis d'exploitation, l'intéressé, sur l'avis qui lui en est donné en conformité de l'article 28, doit justifier à la Banque d'État, pour être porté au compte du protectorat français, d'un droit fixe de 500 fr.

Faute par lui de justifier de ce versement dans le délai imparti, le dahir d'institution sera annulé. Notification en sera faite à l'intéressé par le Service des Mines.

ARTICLE 30.

Le permis d'exploitation confère le droit d'effectuer dans le périmètre dudit permis, en se conformant aux dispositions du présent dahir, tous les travaux jugés utiles à l'exploitation de substances classées dans les mines, et le droit de disposer librement desdites substances ainsi extraites.

ARTICLE 31.

Le permis d'exploitation constitue un droit mobilier, cessible et transmissible, comme tous autres droits mobiliers ; il est entendu toutefois que la cession ou le transfert devront porter sur la totalité d'un périmètre et non sur une partie seulement, hors le cas de renonciation partielle ou de division autorisées par dahir chérifien, dans les conditions prévues à l'article 33.

Toute cession ou tout transfert doit être notifié au Service des Mines dans les conditions prévues à l'article 20 ; toutefois, le droit spécial de mutation sera de 500 fr.

Tant que la cession ne sera pas devenue définitive, le titulaire actuel du permis d'exploitation restera seul responsable à l'égard du Makhzen, de l'exécution des prescriptions du présent dahir.

ARTICLE 32.

Le titulaire d'un permis d'exploitation devra payer, par hectare, une taxe annuelle fixée, savoir :

Pour les mines de fer et de combustibles : à 1 fr. la première année, 2 fr. la seconde année, et 2 fr. 50 c. à partir de la troisième année.

Pour les mines d'autres substances : à 1 fr. 50 c. la première année, 2 fr. 50 c. la deuxième année, et 3 fr. 50 c. à partir de la troisième année.

Cette taxe sera due à partir du 1er janvier ou du 1er juillet qui aura précédé la remise du dahir d'institution ; elle sera exigible par semestre et d'avance, et payable, pour le semestre au cours duquel aura été délivré le dahir, au moment de cette délivrance, et pour les semestres suivants, le 1er janvier et le 1er juillet.

En cas de retard dans le payement, l'intéressé sera mis en demeure de s'acquitter par le Service des Mines, qui prononcera la déchéance du permissionnaire, s'il n'a pas été satisfait dans un délai de deux mois à cette mise en demeure.

Aussitôt la déchéance prononcée, la mine est, par les soins du Service des Mines, et après avis donné au public, dans les conditions indiquées au § 1er de l'article 27, vendue en adjudication publique au profit de l'exploitant déchu ou de ses créanciers.

L'adjudication portera, en même temps que sur la mine elle-même, sur toutes ses dépendances et installations accessoires, sur les voies de communication la desservant et qui auraient été établies par l'exploitant à ses frais exclusifs, et sur tous droits et servitudes acquis par ledit exploitant.

La somme provenant de l'adjudication sera consignée à la Banque d'État pour être répartie à qui de droit, après déduction de tous les frais avancés par le Service des Mines pour arriver à l'adjudication.

Et aucun cas, l'adjudication ne pourra avoir lieu à un prix inférieur au montant de ses frais.

Dès la signification de la déchéance, il est interdit à l'exploitant de détourner ou enlever de la mine, ou de ses dépendances, tout objet placé à demeure ou non, en dehors des simples approvisionnements, à peine d'être poursuivi personnellement à la requête de l'adjudicataire pour tous détournements faits en opposition avec la présente disposition.

Le Service des Mines peut, aussitôt la déchéance prononcée et notifiée, faire placer la mine en séquestre pour assurer l'exécution de la disposition qui précède.

Si, après deux tentatives à trois mois d'intervalle, la mine n'a pas été adjugée, le permis est annulé par dahir chérifien ; le Service des Mines fait enlever les bornes, et les terrains deviennent libres comme si la mine n'avait pas été instituée, l'attributaire pouvant toutefois enlever tous les engins d'exploitation et toutes les installations de surface par lui établis ; il devra avoir opéré cet enlèvement dans un délai maximum de six mois, faute de quoi lesdits engins et installations resteraient acquis sans indemnité à l'État marocain.

ARTICLE 33.

A toute époque, le titulaire d'un permis d'exploitation peut, en adressant sa demande au Service des Mines, obtenir par dahir chérifien la renonciation partielle ou totale à son permis, ou sa fusion avec un autre permis limitrophe ou sa division.

Les nouveaux périmètres devront satisfaire aux conditions imposées par l'article 25 et ne pourront être arrêtées qu'après accomplissement des formalités d'instruction prévues à l'article 27.

Les bornes inutiles devront être déplacées et il en sera placé de nouvelles aux frais de l'intéressé.

En cas de renonciation, le permissionnaire ne peut enlever des travaux souterrains que les objets qui peuvent être retirés sans amener la destruction de ces travaux ; il peut disposer de toutes les installations de surface par lui établies. Les terrains compris dans le permis deviennent libres, comme si la mine n'avait pas été instituée.

## Titre IV.—*Des Droits et Obligations des Explorateurs et des Exploitants.*

ARTICLE 34.

Aucun travail de recherche ou d'exploitation ne peut être entrepris à la surface dans une zone de 50 mètres à l'entour des propriétés closes, villages, groupes d'habitations, puis, édifices religieux, lieux de sépulture ou considérés comme sacrés par le Gouvernement chérifien, ou à moins de 20 mètres des voies de communication, conduites d'eau et généralement de tous travaux d'utilité publique et ouvrages d'art, à moins du consentement du propriétaire pour les propriétés privées, ou du Makhzen pour le domaine public, les travaux d'utilité publique et les ouvrages d'art.

ARTICLE 35.

Des périmètres de protection de dimensions quelconques peuvent être établis par dahir chérifien, autour des sources, des voies de communication et des immeubles énumérés à l'article précédent, comme aussi en tous les points où ils paraîtraient nécessaires dans un but de défense militaire. Dans l'intérieur de ces périmètres, tout travail de recherche ou d'exploitation, souterrain ou superficiel ne peut être entrepris ou poursuivi que dans les conditions fixées par le Service des Mines, et peut même être interdit sans que l'explorateur ou l'exploitant puisse jamais réclamer de ce fait aucune indemnité, hors le seul cas où il devrait démolir ou abandonner des ouvrages établis par lui à l'intérieur desdits périmètres antérieurement à leur fixation. L'indemnité due en ce cas ne devra représenter que le montant des dépenses faites par l'explorateur ou l'exploitant et devenues pour lui inutiles.

ARTICLE 36.

Nul permis de recherche ou d'exploitation ne peut mettre obstacle à l'exécution des travaux d'utilité publique, à l'intérieur de son périmètre, non plus qu'à l'ouverture et à l'exploitation de carrières à utiliser pour ces travaux.

L'explorateur ou l'exploitant n'a droit qu'au remboursement des dépenses par lui faites et rendues inutiles par l'exécution desdits travaux ou l'ouverture desdites carrières, compensation faite, s'il y a lieu, avec les avantages qu'il peut en retirer.

ARTICLE 37.

L'explorateur ou l'exploitant peut utiliser pour le Service exclusif de son entreprise, sans avoir de ce chef rien à payer aux propriétaires ou possesseurs du sol, les substances



qu'il aurait abattues dans ses travaux de recherche ou d'exploitation, et qui rentreraient dans la classe des carrières telles qu'elles sont définies à l'article 3 ci-dessus.

ARTICLE 38.

L'explorateur ou l'exploitant n'a aucun droit, dans son périmètre, aux bois et autres produits végétaux du sol, ni aux eaux superficielles. Il pourra toutefois utiliser les eaux sortant de ses puits ou galeries, mais à la condition d'en assurer l'écoulement après usage dans les conditions qui lui seront prescrites par le Service des Mines.

Il n'a de même aucun droit aux monnaies, objets d'art ou d'antiquité que ses travaux mettraient à jour ; il doit donner avis immédiat de ses découvertes au Service des Mines, et, en attendant qu'il ait pu les lui remettre, les conserver à l'abri de toute détérioration.

ARTICLE 39.

L'explorateur a le droit d'occuper temporairement, soit dans les limites de son périmètre, soit en dehors et aux abords de celui-ci, les terrains que le Service des Mines jugera nécessaires à ses installations et à leurs dépendances. Les conditions et la durée de cette occupation seront fixées pour les terrains Makhzen, par le Service des Domaines ; pour les terrains particuliers, elles seront débattues entre l'explorateur et le propriétaire du sol, ou celui qui est présumé tel, et à défaut d'accord amiable, réglées d'après la procédure stipulée par le règlement sur l'occupation temporaire, étant naturellement entendu que, dans ce cas, la durée de l'occupation ne pourra excéder celle prévue à titre de maximum par ledit règlement.

ARTICLE 40.

L'exploitant aura de même le droit d'occuper temporairement, soit dans les limites de son périmètre, soit en dehors et aux abords de celui-ci, les terrains que le Service des Mines jugera nécessaires pour le percement de ses galeries et puits d'aérage ; pour l'établissement de ses dépôts, magasins et ateliers de lavage et de traitement des minerais ; pour l'aménagement d'usines hydrauliques, électriques ou à vapeur, destinées à lui procurer la force nécessaire ; pour l'adduction des eaux utilisées par lui et pour leur restitution à leur cours naturel ; pour la construction de plans inclinés, de lignes funiculaires aériennes, de routes, de voies ferrées, se reliant aux lignes d'intérêt général, ou aboutissant à des ports ouverts au commerce, en vue de l'évacuation des produits de la ligne ou de l'amenée du matériel et des matériaux nécessaires à l'exploitation de celle-ci, et d'une façon générale, pour les installations accessoires de tout ordre que comporte ladite exploitation.

La durée et les conditions de ces occupations seront fixées dans les formes définies à l'article précédent.

Les terrains particuliers qui devraient être aux mêmes fins que ci-dessus utilisés par l'exploitant pendant une durée supérieure à celle prévue à titre de maximum par le règlement sur l'occupation temporaire, devraient être acquis par lui, en se conformant à la procédure stipulée par le règlement sur les expropriations.

Les projets des voies ferrées et installations hydrauliques, et aussi ceux des ouvrages extérieurs au périmètre, devront être soumis au Service des Mines avec plans, profils et tous dessins et documents que ledit Service jugera nécessaire ; ils ne pourront être repris qu'après approbation de ce dernier et en tenant compte des modifications qu'il croirait devoir prescrire.

Le même Service déterminera la nature et la consistance des ouvrages qui pourront être établis dans les ports ouverts au commerce, aux points terminus des lignes construites pour le service de la mine.

ARTICLE 41.

Quand une voie minière viendra s'embrancher sur une ligne livrée à l'exploitation publique, l'exploitant de la mine aura à supporter les dépenses des installations nouvelles rendues nécessaires de son fait dans la gare d'embrancement, et aussi les frais supplémentaires d'exploitation auxquels ledit embrancement donnerait lieu.

Le montant de ces frais et dépenses pourra être fixé par voie d'accord amiable entre l'exploitant de la voie ferrée (compagnie ou État) et celui de la mine.

ARTICLE 42.

Le Gouvernement du protectorat décidera, sur l'avis du Service des Mines, et l'exploitant entendu, s'il y a lieu d'autoriser l'utilisation pour l'usage public des

voies de terre, des voies ferrées, ou des installations établies dans les ports ouverts au commerce pour les services de la mine, en vertu de l'article 40 ci-dessus. Il déterminera dans ce cas les conditions dans lesquelles s'exercera cet usage public et notamment les tarifs à percevoir des usagers par l'exploitant, lesdits tarifs ne pouvant toutefois être inférieurs au coût réel du transport augmenté de 15 pour cent.

Ce même Gouvernement aura le droit de racheter à toute époque les ouvrages ci-dessus, étant entendu que la somme à verser à l'exploitant représentera le montant des dépenses de premier établissement, telles qu'elles ressortiront des pièces de comptabilité par lui produites, avec majoration pour frais généraux et bénéfices fixés à forfait à 15 pour cent. En ce cas, l'exploitant conservera le droit d'utiliser pour ses transports et manutentions les installations rachetées en payant seulement au prix de revient lesdits manutentions et transports.

ARTICLE 43.

Les exploitants de mines limitrophes ou voisines peuvent constituer un syndicat, soit pour l'établissement d'ouvrages analogues à ceux visés à l'article 40, soit pour l'usage de l'exploitation en commun des ouvrages de même nature déjà établis par l'un d'eux. Ils auront, en ce qui concerne les occupations ou les acquisitions de terrains nécessaires à l'assiette desdits ouvrages, l'exécution de ceux-ci, leur rachat par l'État et leur utilisation après rachat, les droits et obligations définis par les articles 40 à 42 ci-dessus.

Tout exploitant de mines limitrophes ou voisines de celles déjà syndiquées, peut demander à faire partie du syndicat ; en ce cas, à défaut d'entente entre les intéressés, il est définitement statué, tant sur le principe que sur les conditions de la participation, par trois arbitres, dont l'un, désigné par le syndicat, l'autre par le demandeur, et le troisième par les deux premiers, ou, si ceux-ci ne peuvent se mettre d'accord pour cette désignation, par le Makhzen.

Les actes syndicaux devront être, aussitôt intervenus, communiqués au Service des Mines ; celui-ci devra, en outre, être immédiatement avisé de toute modification introduite à ces actes, soit par suite de la participation au syndicat, d'un exploitant nouveau, soit pour toute autre cause.

ARTICLE 44.

En cas de cession, ou de transfert à un titre quelconque d'un droit de recherche ou d'exploitation, les installations à demeure établies pour l'exercice de ces droits, les suivent dans la cession, à moins qu'il n'en soit autrement stipulé dans l'acte. Nul créancier ne peut saisir isolément ces installations, et le droit pour l'exercice duquel elles sont établies.

ARTICLE 45.

L'explorateur ou l'exploitant sera tenu de réparer tous dommages que ses travaux pourraient occasionner aux propriétés de la surface ainsi qu'aux recherches ou exploitations voisines.

ARTICLE 46.

Il sera établi sur les produits des mines, pour être perçues à l'exportation par les agents des douanes aux frontières terrestres et maritimes du Maroc, les taxes ci-après, savoir :

Sur toutes les substances comprises dans la classe des mines, et non transformées en métaux bruts ou alliages, 3 pour cent *ad valorem*.

Sur les métaux bruts, à l'exception de l'or, et sur les alliages tirés de substances extraites au Maroc, 3 pour cent *ad valorem*.

Sur l'or, 10 pour cent *ad valorem*.

La fixation de la valeur des diverses substances ci-dessus étant faite au point de sortie par les agents des douanes d'après les mêmes règles que celles de la valeur des marchandises à l'entrée.

Les métaux ouvrés seront exempts de taxes ; il en sera de même des substances minérales, métaux bruts ou alliages sortant par réexportation, mais à charge expresse par le réexportateur d'établir leur certificat d'origine.



ARTICLE 47.

Les frais de déplacement des agents du Service des Mines, mis à la charge des intéressés par le présent règlement, seront arrêtés d'après un tarif qui sera établi par le chef dudit Service. Ils seront imputés sur les sommes consignées à titre provisionnel, dont il est parlé aux articles 12 et 27 ; en cas d'insuffisance desdites sommes, le solde en serait payé en même temps que le premier terme à échoir des taxes de recherche ou d'exploitation.

## Titre V.—*Du Service des Mines.*

ARTICLE 48.

Le Service des Mines est chargé de veiller à l'exécution du présent dahir ; il édicte en outre les règlements de police nécessaires, pour assurer la sécurité des chantiers superficiels ou souterrains et de leurs dépendances, et en surveille la stricte application.

ARTICLE 49.

Les fonctionnaires et agents du Service des Mines ont, à tout moment, libre accès et parcours sur toutes les installations et travaux des explorateurs et exploitants. Ceux-ci sont tenus de leur fournir toutes facilités pour l'accomplissement de leur mission et de les faire accompagner dans leurs visites, s'ils en sont requis, par les préposés et surveillants, dont le concours serait nécessaire.

Ils peuvent se faire représenter les plans des travaux ainsi que les registres d'extraction et de contrôle des ouvriers, qui doivent être tenus par les exploitants, et ils peuvent se faire donner ou envoyer copie de ces documents aux frais des exploitants.

ARTICLE 50.

Les dahirs chérifiens prévus aux divers articles ci-dessus, de même que les règlements édictés par le Service des Mines, seront insérés au "Journal officiel" du protectorat.

## Titre VI.—*Dispositions diverses.*

ARTICLE 51.

Par exception aux dispositions du Titre III, les permis de recherche ne peuvent être suivis de permis d'exploitation pour les phosphates et nitrates, ainsi que pour les sels gemmes ou autres sels associés dans les mêmes gisements, et les sources et eaux souterraines salées. Ces substances ne pourront être exploitées qu'en vertu d'adjudications publiques dans les périmètres et pour une durée définie par le cahier des charges de chaque adjudication.

L'adjudication portera sur le taux d'une redevance spéciale à payer par tonne de produits extraits, restant entendu que cette redevance ne dispensera nullement l'adjudicataire de la redevance fixe par hectare, ni de la redevance *ad valorem* fixées au Titre III. Le cahier des charges peut astreindre l'adjudicataire à construire et à exploiter pendant la durée de son adjudication des ouvrages de viabilité ou de navigation qui pourront être affectés au service publique, dans les conditions fixées audit cahier des charges.

Les explorateurs munis de permis de recherche en périmètre réservé qui auront découvert dans leur périmètre des gîtes de phosphates ou de nitrates nouveaux, et démontré leur exploitabilité, auront droit, pendant un délai de quinze ans, à dater de la décision qui leur aura reconnu la qualité d'inventeurs à un cinquième des redevances spéciales à la tonne payées par les adjudicataires ; cette décision dévra être sollicitée par eux avec toutes preuves à l'appui, avant l'expiration de leur permis de recherche ; elle sera prise par le Service des Mines et publiée au "Journal officiel."

Les explorateurs n'auront aucun droit à indemnité, quel que soit le retard apporté à l'adjudication ; ils ne pourront élever aucune réclamation sur la rédaction du cahier des charges.

L'adjudication ne fait pas obstacle à la recherche et à l'exploitation, dans les périmètres adjugés, des substances autres que celles dénommées au présent article, par toute personne ayant acquis des droits antérieurs à l'adjudication. Mais de nouveaux droits de recherche ou d'exploitation ne pourront être reconnus postérieurement à l'adjudication qu'aux seuls adjudicataires.

Le Makhzen se réserve le droit d'exploiter les mines de sel, en se conformant aux dispositions des Titres II et III du présent dahir.

ARTICLE 52.

Une même personne ou une même Société ne peut détenir simultanément au Maroc, pour quelque motif que ce soit, des droits d'exploitation sur plus de 60,000 hectares, à peine d'encourir la déchéance de ses permis, en conformité de l'article 32 du présent dahir. Exception est faite :

1. Pour les adjudications qui seraient passées en vertu de l'article 51 ;
2. Pour les Sociétés auxquelles le Makhzen croirait devoir concéder des ouvrages de viabilité ou de navigation dont lesdites Sociétés s'engageraient à assurer l'établissement et l'exploitation aux conditions qui seraient, dans chaque cas, déterminées par le dahir d'institution. Il est expressément entendu que les mêmes dahirs pourraient, en ce cas, imposer aux concessionnaires le payement d'une redevance venant s'ajouter aux redevances fixes à l'hectare, et aux redevances *ad valorem*, prévues au Titre III.

Les concessions prévues par le 2° de cet article devront être publiées au " Journal officiel " du protectorat.

ARTICLE 53.

Est puni d'une amende de 500 fr. à 1,000 fr., sans préjudice de la restitution en nature ou en valeur des produits indûment extraits :

1. Quiconque exploite des mines sans en avoir le droit ;
2. Quiconque détruit, déplace ou modifie d'une façon illicite des signaux ou des bornes de périmètre.

ARTICLE 54.

Est puni d'une amende de 100 fr. à 500 fr. quiconque apporte des entraves à la surveillance des agents du Service des Mines ; quiconque n'entretient pas en bon état les signaux ou les bornes de son périmètre ; et enfin quiconque contrevient aux règlements de police relatifs à la sécurité des mines, sans préjudice des mesures que le Makhzen pourrait prendre contre les indigènes.

ARTICLE 55.

Les personnes qui ont été condamnées pour l'une des infractions prévues à l'article 53 ci-dessus ne peuvent obtenir de permis exclusif de recherche pendant un délai de cinq ans, à compter du jour où leur condamnation est devenue définitive.

En vue de l'application de la présente disposition, le Service des Mines reçoit des extraits des jugements portant condamnation pour infractions.

ARTICLE 56.

Les amendes sont prononcées par les tribunaux de droit commun à la demande du Service des Mines.

ARTICLE 57.

Les explorateurs ou exploitants sont soumis, en ce qui concerne les matières non traitées par le présent dahir aux règlements intervenus ou à intervenir dans le protectorat, sous réserve des droits internationaux et des traités.

ARTICLE 58.

Toutes les sommes à payer en vertu du présent dahir sont calculées en francs, pesetas or, ou cinquièmes de rial hassani or, et sont payables en monnaies ayant cours légal au Maroc, au cours du change appliqué par la Banque d'État le jour où le payement devient exigible.

ARTICLE 59.

Les taxes prévues à l'article 19 (paragraphes 1 et 2) et à l'article 32 (paragraphes 1, 2 et 3) ne pourront pas être augmentées avant un délai de sept ans.

Les taxes prévues à l'article 46 ne seront pas majorées avant un délai de dix ans.



ARTICLE 60.

Le Makhzen peut, par voie de mesure générale, et pour des motifs de sécurité, suspendre le droit de rechercher des mines et celui d'acquérir des permis de recherche ou d'exploitation dans des régions déterminées. Ces mesures sont publiées dans le "Journal officiel" du protectorat.

Les droits acquis antérieurement continueront à pouvoir être exercés dans ces régions aux risques et périls des intéressées.

Le délai fixé par l'article 18 ne court pas et les droits fixes mentionnés aux Titres II et III ne sont pas dus tant que dure l'interdiction.

ARTICLE 61.

Les nouveaux permis de recherche ou d'exploitation qui seraient sollicités pendant le délai de six mois, prévu au règlement relatif à la liquidation des litiges miniers, ne pourront être délivrés en tous cas qu'à l'expiration dudit délai ; ils ne le seraient qu'après décision de la Commission d'Arbitrage, s'ils portaient sur des terrains ayant fait, au cours du délai, l'objet de revendications basées sur des droits ou faits antérieurs.

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[40878] No. 65.

*Sir F. Bertie to Sir Edward Grey.*—(*Received September* 5.)

[By Post.]

(No. 122.)
(Telegraphic.) *En clair.* *Paris, September* 4, 1913.

MINISTER for Foreign Affairs, whom I have seen this evening, confirms M. Paléologue's assurances on the subject of Tangier, reported in my telegram No. 121 of yesterday, except as regards date when the new proposals will be communicated to the Foreign Office. He fears that it will not be possible to obtain for them the approval of the Cabinet and the President of the Republic before next month.

M. Pichon says that the modifications to be proposed will accentuate the international character of the arrangements for Tangier in the draft convention, some of which would have been objected to by Germany and other Powers, and will get over the difficulties which would have made a Tower of Babel in the Finance Department, where under the percentage system there would have been many nationalities represented, necessitating a polyglot chief. Another difficulty would have been the subordination in the police force of French officers to a Spanish commander. This was recognised by the King of Spain when lately in Paris. His Excellency further says that the personnel under the draft convention would be more expensive than the finances of the municipality could bear.

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[40997] No. 66.

*Mr. White to Sir Edward Grey.*—(*Received September* 5.)

(No. 40.)
(Telegraphic.) *Tangier, September* 5, 1913.

FRENCH Chargé d'Affaires informs me that convoys are sent from Tangier to Spanish troops at Akbat-el-Hamra. These convoys are in charge of civilians, and take advantage of departure of patrols of French police in that direction to make journey, thus obtaining protection of police to zonal frontier. Commandant of Spanish police is in communication by heliograph with Spanish post at Akbat-el-Hamra, riding out for the purpose with some of his men to some heights about an hour distant from Tangier.

It is a great pity that Spaniards should thus use Tangier as a base for provisioning their troops, as convoy will probably be attacked one of these days, and French police will be placed in difficult position. It is also possible that signalling party may be attacked. On the other hand, I hesitate to raise objections with Spanish Chargé d'Affaires, and am loath to incur charge of placing difficulties in way of Spanish troops, and it is to be presumed that tribesmen also draw some provisions from this district.

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[40368] No. 67.

*Foreign Office to Mr. Norton.*

Sir, *Foreign Office, September* 5, 1913.

I AM directed by Secretary Sir E. Grey to acknowledge with thanks the receipt of your letter of the 30th ultimo, addressed to Mr. G. R. Clerk, stating that the scheme for the construction of the Tangier harbour works had been delayed owing to the unwillingness of the Spanish group of the Société internationale pour le Développement de Tanger to accept the share of the capital allotted to them, and suggesting that His Majesty's representative at Madrid might associate himself with his French colleague in inducing the Spanish group to be content with the participation offered to them.

In reply I am to state that, although Sir E. Grey does not see his way to instruct His Majesty's Chargé d'Affaires in the sense suggested, he would be glad to hear from you of any further developments which may occur in the matter.

I am, &c.
EYRE A. CROWE.

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[41015] No. 68.

*Sir F. Bertie to Sir Edward Grey.—(Received September* 6.)

(No. 449.)

Sir, *Paris, September* 5, 1913.

AS I was unable to see M. Pichon, who was absent from Paris, I had an interview with the Political Director on the 3rd instant on the subject of the instructions contained in your despatch No. 526 of the 22nd ultimo concerning the negotiations relative to Tangier. I gave to M. Paléologue for perusal a copy of your above-mentioned despatch with the last paragraph omitted, and, after he had read it, I spoke to him in the sense of that paragraph.

I had the honour to report to you what M. Paléologue said to me in my telegram No. 121 of the 3rd instant, which was as follows:—

"The French Government regretted as much as His Majesty's Government the delays in the conclusion of the Tangier negotiations, but, on a careful examination of the 'projet de convention,' various objections were raised by General Lyautey and other competent persons to some of its provisions as impracticable. The French Government were about to propose certain important modifications which would in no way detract from the international character of the Tangier Municipality, for they were fully determined to join in creating at Tangier a municipality quite apart from the Morocco protectorate, they having taken the engagement to constitute a special régime in conformity with their engagements of 1904. The new proposals would be communicated to the Foreign Office in about ten days' time."

M. Pichon returned to Paris on the 4th September and I was able to see him that evening.

I brought to his notice the contents of your despatch No. 526 in the same manner as I had done to M. Paléologue on the preceding day.

As I informed you by my telegram No. 122 of the 4th September, his Excellency confirmed M. Paléologue's assurances on the subject of Tangier, reported in my telegram No. 121 of the 3rd September, except as regards the date when the new proposals will be communicated to the Foreign Office.

M. Pichon fears that it will not be possible to obtain for them the approval of the Cabinet and President of the Republic before next month. The modifications to be proposed will accentuate the international character of the arrangements for Tangier in the Draft Convention, some of which would have been objected to by Germany and other Powers, and will get over the difficulties which would have made a Tower of Babel in the Finance Department, where, under the percentage system, there would have been many nationalities represented, necessitating a polyglot chief. Another difficulty would have been the subordination of French officers in the police force to a Spanish commander. This difficulty was, his Excellency said, recognised by the King of Spain when lately in Paris.



M. Pichon further told me that the personnel under the Draft Convention would be more expensive than the finances of the municipality could bear.

I have, &c.
FRANCIS BERTIE.

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[40997] No. 69.

*Sir Edward Grey to Mr. White.*

(No. 38.)

(Telegraphic.) *Foreign Office, September* 6, 1913.

YOUR telegram No. 40 of 5th September: Use of Tangier as base by Spaniards.

I share your reluctance to make representations to Spain at present, and propose to await developments.

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[41631] No. 70.

*M. de Fleuriau to Sir Edward Grey.—(Received September* 10.)

*Ambassade de France, Londres,*
M. le Secrétaire d'État, *le* 8 *septembre*, 1913.

M. PAUL CAMBON avait fait connaître à M. le Ministre des Affaires Etrangères de la république, suivant les indications de la note de votre Excellence en date du 25 juillet, que le Gouvernement britannique était disposé à accepter la nouvelle rédaction du paragraphe additionnel à l'article 13 du projet de convention relatif au statut de Tanger sous réserve d'une modification à apporter au texte.

Je suis chargé de faire savoir à votre Excellence que M. Pichon est disposé à entrer dans ses vues et il a amendé, en conséquence, la rédaction du paragraphe additionnel. Il a profité de la circonstance pour apporter à la rédaction de l'article 13 quelques modifications de style et quelques précisions nouvelles; elles ne changent rien au sens et elles sont destinées à empêcher tout conflit entre le concessionnaire du port et le concessionnaire du chemin de fer.

Votre Excellence trouvera ci-joint le texte ainsi modifié de l'article 13. Je lui serais reconnaissant de vouloir bien me faire connaître dès qu'elle le pourra si le Gouvernement de Sa Majesté approuve cette nouvelle rédaction.

Veuillez, &c.
A. DE FLEURIAU.

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Enclosure in No. 70.

*Article* 13 *of Tangier Draft Convention.*

LA ligne du chemin de fer Tanger–Fez sera construite et exploitée dans les conditions déterminées par le protocole annexé à la Convention franco-espagnole du 27 mars, 1912, comme il est dit à l'article 20 de la convention.

Ainsi qu'il est dit à l'article 8 dudit protocole, "chacune des trois sections, française, espagnole et tangéroise de la ligne, donnera lieu à des comptes annuels distincts en ce qui concerne, d'une part, le premier établissement, d'autre part, les travaux complémentaires, et enfin l'exploitation. Les règles à suivre pour la répartition des recettes et des dépenses entre les trois secteurs et, dans chacune d'elles, entre les trois comptes ci-dessus, seront fixées par l'acte de concession"—cet acte de concession devra notamment prévoir les stipulations ci-après relatives au port de Tanger.

La Compagnie du Chemin de Fer de Tanger à Fez pourra poser, sans avoir rien à payer pour l'occupation des terrains, sur les quais, moles et terre-pleins du port, les rails nécessaires pour desservir lesdits quais, moles et terre-pleins et autre installations de ce port.

Dans le cas où la Compagnie du Chemin de Fer de Tanger à Fez aurait, en outre, à établir sur des terrains dépendant du port d'autres installations, telles que gares, bureaux, magasins, dépôts de marchandises, remises de matériel roulant, ainsi que les voies correspondantes, elle aurait à payer les terrains ainsi occupés par elle au prix correspondant à la valeur marchande de ces terrains; en cas de désaccord sur ces prix, il sera procédé par l'administration, par voie d'expropriation, conformément aux règlements en vigueur sur la matière, les dépenses étant supportées par la compagnie.

Toutes les dépenses relatives à la gare maritime seront considérées comme dépenses communes à répartir équitablement entre les trois sections.

Les projets établis par la compagnie du chemin de fer pour les installations à effectuer sur les terrains du port seront soumis pour observation et adhésion au concessionnaire de ce port. En cas de désaccord entre les deux concessionnaires, du chemin de fer et du port, il sera statué par l'autorité tangéroise qualifiée à cet effet, sous les réserves inscrites à l'article 7 du protocole annexé à l'accord franco-espagnol du 27 novembre, 1912.

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[42218] No. 71.

*Mr. White to Sir Edward Grey.—(Received September 15.)*

(No. 254.)

Sir, *Tangier, September 5, 1913.*

THE French Chargé d'Affaires informs me that a short time since Commandant Patxot of the Spanish police told his French colleague, Commandant Toulat, that it was proposed to despatch convoys of provisions from Tangier to the force at Akbat-el-Hamra, and that they would take advantage of the visits of the French police patrols to that neighbourhood to send out the convoys in security. Commandant Toulat, upon whom a Spanish order has just been conferred, felt himself placed in a very difficult position, as he could not well prevent the convoy following his police patrol, though he was afraid that it would be attacked one of these days, and that the police would find themselves obliged to intervene.

M. Martin also told me that the Spaniards had tried to engage a Frenchman to take charge of the convoy, offering him tempting terms, and assuring him there was no danger, as the convoy would have the protection of the French police. At present the convoys are sent out in charge of a civilian Spaniard, accompanied by Moors. They have always reached their destination safely, but a few days ago they were attacked on their return before entering the Tangier zone, and the Spaniard was taken captive.

The Spanish authorities no doubt find it very convenient to use Tangier as a base for supplying their troops at Akbat-el-Hamra with provisions, possibly also with ammunition, but their action shows but little regard for the continued tranquillity of this district. It is scarcely to be expected that the convoys will be allowed for long to continue to pass unmolested. The temptation to the rebels to enter the international zone and capture the convoy will be almost irresistible, and possibly the Spaniards would not be sorry were this to happen, as it would afford them an excuse for themselves no longer respecting the neutrality of the zone, and thus facilitate their operations.

The villagers of this district also, who naturally sympathise with the tribesmen, may be tempted to loot the convoy if an opportunity offers, and this would give rise to very undesirable complications.

Another imprudence, of which the Spaniards are guilty, is the establishment of heliographic communication with the force at Akbat-el-Hamra. Commandant Patxot, or one of his officers, accompanied by a few men of the Spanish police, rides out to a range of hills a few miles distant from Tangier with the signalling apparatus. It appears to me quite wrong that the Spanish police should be used in this manner, and it shows what may be expected were a Spanish officer to be given the command of the extra-urban police before the close of hostilities.

The signalling party are always exposed to the risk of being sniped, or even attacked, by some of the country Moors, and should this unfortunately happen, awkward complications would ensue, as the Spanish Legation would probably demand that the French police take action to punish the villagers implicated.

I discussed the matter with M. Martin, who expressed annoyance at the action of the Spaniards, but said he had not liked to make any representations on the subject to M. Lopez Roberts, and had confined himself to reporting to Paris.

The matter appears to me a very delicate one to deal with, as one has no desire to hamper the Spaniards in their military operations, which it is in the interests of Tangier should be successfully terminated as soon as possible; moreover, the Spaniards may argue that the tribesmen probably draw some supplies and smuggled powder and cartridges from Tangier, and that there is therefore no reason why the Spanish force should not also obtain its supplies here.



On the other hand, there can be little doubt that there is danger of the Spanish action giving rise to serious trouble in this district through an attack on the convoy or on the signalling party, and it is greatly to be regretted that the military authorities have not arranged to draw their supplies from Arzila or elsewhere in their own zone.

I have, &c.

HERBERT E. WHITE.

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[43103] No. 72.

*Sir Edward Grey to Mr. White.*

(No. 39. Confidential.)

(Telegraphic.) *Foreign Office, September 18, 1913.*

FRENCH Government have decided not to support radical objections to Tangier draft agreements which have been formulated by General Lyautey at instigation of French Legation at Tangier. They propose, however, certain minor changes, which have been discussed here between Sir Eyre Crowe and M. Dupeyrat. A satisfactory arrangement ought to be possible. Full details going to you by bag to-day. Nothing will be decided until I receive your observations.

(Repeated to Paris, No. 336.)

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[41413] No. 73.

*Foreign Office to Board of Trade.*

Sir, *Foreign Office, September 19, 1913.*

WITH reference to the letter from this Office of the 2nd July last, I am directed by Secretary Sir E. Grey to transmit to you herewith two copies of the *procès-verbal** of the recent meeting at Berlin of representatives of the French, German, and Spanish Governments for the revision of the draft Morocco Mining Regulations of February–March 1913. I am also to enclose two copies of the text† of the Regulations revised in accordance with the arrangement come to at Berlin.

In your letter of the 20th June, you intimated that the Regulations as they then stood did not appear to the Board of Trade to contain much to which serious objection need be raised. The amendments which have since been introduced as the result of the Berlin Conference seem to be favourable to foreign investors or prospectors, and Sir E. Grey would accordingly propose to signify His Majesty's Government's acceptance of the revised Regulations unless the Board see any objection to such a course.

I am, &c.

EYRE A. CROWE.

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[43412] No. 74.

*Memorandum by Sir E. Crowe.*

TANGIER CONVENTION.

M. DUPEYRAT, of the French Foreign Office, came to see me with M. de Fleuriau on the 15th September in order to discuss with me various points in connection with the draft convention and draft decrees which we had, I thought, finally settled, as between England and France, as the result of our negotiation at the end of June, at which Mr. White had assisted.

It appears that the whole scheme had since then been severely criticized by General Lyautey, acting practically as the mouthpiece of the French legation at Tangier. The point on which the scheme was attacked and condemned was that it practically

* No. 63. † No. 64.

abolished the authority of the Sultan in Tangier. General Lyautey went so far as to declare he could not undertake the responsibility of placing the scheme before the Sultan for his acceptance, as the latter could not be expected to approve it.

The French government had thereupon considered the necessity of a radical change in the arrangements to be made, and a committee was appointed, under the chairmanship of M. Regnault, to study the recommendations put forward by General Lyautey. This committee had offered further far-reaching criticisms, but opposed many of the new proposals of General Lyautey. There was a tangle of divers counsels which made it difficult for the French government to decide what exactly they should substitute for the principles underlying the draft convention and decrees in the form they had already approved, though only provisionally.

It was at this stage that M. Pichon informed Sir F. Bertie of the intention of the French government to propose to us certain important changes in the bases of the arrangement previously agreed upon between France, England, and Spain. It is to be presumed that our protests conveyed to M. Pichon through Sir F. Bertie and through M. de Fleuriau, produced an effect. At any rate, so M. Dupeyrat tells me, he was suddenly recalled from his leave and again asked to give his opinion, and he pointed out that General Lyautey's criticisms might have been very much to the point four years years ago, but that when France had pledged herself to England to have Tangier internationalized, the abrogation of the Sultan's effective rule over Tangier was in reality conceded, and if France was to remain bound by her pledged word, she was not now free to act upon the views put forward by General Lyautey. Once this point was conceded, it would be found that the scheme agreed upon with England and Spain was the best that could be devised. M. Dupeyrat's argument carried the day. As a result, however, of the prolonged discussions at Tangier and Paris, the French government, whilst decided not to support General Lyautey's views, convinced themselves of the necessity of introducing some minor changes in the draft convention and decrees. These M. Dupeyrat had come to discuss with me in the first instance, in the hope that we might come to a friendly understanding upon them.

These changes are shown on the attached revise of the documents in italics and "erased" type. I will proceed to go through them *seriatim*, giving the explanations offered in regard to each by M. Dupeyrat, the observations I made in reply, and my conclusions.

### I.—*Draft Convention.*

*Article* 3.—The addition of the word "administrative" has been suggested by M. Cambon. The municipal "autonomy" extends to certain matters, such for instance as the justiciary, in regard to which France has expressly reserved her right, as the Protecting Power charged with Morocco's foreign relations, to remain the channel of official communications between the Sultan and foreign governments. This renders it, in the opinion of the French government, necessary to make it clear that such matters should not be treated in direct communication between the municipality and the foreign Agents and Consuls-General. M. Dupeyrat considered that the word "administrative" exactly covered the point, but was ready to adopt any other way of expressing the same thing.

I said I should like to think this over. But on reflection I cannot suggest any other wording, and I think the proposal may be accepted.

*Article* 5 *bis* is new. It revives in a slightly attenuated form a French proposal which we had rejected when settling the last draft in June. The French want to retain, for themselves and the Spaniards, the right to expel from Tangier natives coming, after the establishment of the municipality, from the French (or Spanish) African possessions or protectorates. They have this right at present, under the capitulations. When we resisted this claim on a former occasion, we strongly urged that in any autonomous community, such as Tangier was to be, the right of expulsion ought to reside in the supreme authority, who must satisfy itself that there are good grounds for expelling an alien, and cannot properly be asked to undertake that it will expel any alien at the mere request of the government of the country to which such alien belongs. The avowed object of the French is to prevent Tangier from becoming a nest for pan-islamic or other intrigues on the part of discontented natives from the adjoining French and Spanish zones. We admitted that this was in itself reasonable, but declared that there ought to be some impartial authority to whom persons so threatened with expulsion could appeal. We at the time persuaded M. Dupeyrat to accept the arrangement set out in the 3rd paragraph of article 6 of the Draft Decree,



which provides for a demand for expulsion being heard and decided upon by a commission consisting of the 1st and 2nd judge of the international court (French and British respectively) and the Advocate-General (Spanish).

M. Dupeyrat now revives his old objection that such a commission will necessarily claim to act on evidence of a judicial nature. The evidence in cases of this nature is often of a kind which cannot be produced, and expulsions for political reasons should as everywhere be decided without the expelling authority being called upon to state reasons.

I strongly maintained our objection as one of principle, and again called M. Dupeyrat's attention to the weapon which such powers as he claims for the French Agent and Consul-General at Tangier over Moors and Algerians who hereafter may wish to settle there would give him for exercising absolute control, politically and otherwise over these people (who may become fairly numerous). If they did or said anything not to the liking of the French Agency they could be at once expelled, and this risk hanging perpetually over them would practically make them the servants or slaves of the French Agency. These people might play an important part at elections. M. Dupeyrat scorned all this, and declared that this was a point to which his government attached great importance and he, Dupeyrat, had been much blamed for having made the concession to us embodied hitherto in the draft decree.

I remained firm and said I could not hold out any hope that we would agree to the new French proposal, and I think we should maintain our point of view.

*Article* 11.—While recognizing the obligation not to erect any fortifications on the coast, it is now proposed to allow the municipality to construct works, if necessary, on the land side, such as block houses or small forts, to defend the district against native raids. I strongly objected, because it is not always easy to make a genuine distinction between sea-defences and interior land-defences. Once we admit this distinction, we may be confronted by no end of jesuitical pleas for erecting works at Casablanca, Laraiche and other ports in the French and Spanish zones.

M. Dupeyrat gave me to understand that he personally did not attach any value to the matter, but he had instructions to put it forward. He urged me to make at least a nominal concession by adding a clause (now shown in the text) to the effect that the erection of such land-works required the unanimous approval of the Committee of Control. I admit that this would give us the power to stop anything being done. But I do not like even suggesting the possibility that we could consent to such works, and would prefer to have the whole omitted, leaving the article as it stood in the original draft. I told M. Dupeyrat so.

*Article* 13.—The new version has already been proposed to us officially in a note from the French Embassy. It was destined to meet views which we had ourselves urged, and it seems to me that it does so satisfactorily. It has already been referred to Mr. White for his opinion. The main concession to us which it contains is that any ground taken up by the proposed railway is to be paid for at its market value.

M. Dupeyrat was, he said, extremely annoyed at this concession having been made. It had been done by the French Foreign Office whilst he was away on leave; otherwise, he said, he would have prevented it. But now that the proposal had been definitely made, his government must of course stand by it.

It is no doubt a valuable concession and in the circumstances we had best accept the new article as it stands. For if we begin to make counter-proposals, we may risk seeing the concession on the important point withdrawn.

*Article* 17.—As the French government are renouncing, temporarily, their claim to exact from Tangier its share of the French war indemnity, they consider it only fair that Spain should make a similar renunciation in regard to the indemnity due to her.

I agreed that this was reasonable.

*Articles* 22, 23, *and* 25.—It had been agreed that the heads of the three principal municipal services: (1) finance, (2) interior, (3) education, poor-law, and sanitation, should be respectively British, French, and Spanish. As regards the subordinate staff it was proposed to establish a somewhat rigorous system of internationalization by limiting each nationality to a maximum of 25 per cent. of posts in any one class of appointments. In order to make this arrangement effective and fair it became necessary to lay down precisely the main lines of organization and principal posts in each class.

The French government have on careful study come to the conclusion that this general mixture of nationalities in each branch of the municipal service will not work with efficiency. It would be almost impossible to expect that so many heterogeneous

elements can properly work together. Friction, misunderstandings, and delays, besides uneconomical expenditure, are almost sure to clog the wheels of the machine.

I am disposed to agree generally with this view, and to admit that a better plan, from the point of view of efficiency, would be to let the three main branches of the service be mainly recruited from the nationality to which their respective heads belong. This is a sacrifice of the abstract principle of thorough internationalization to the exigencies of a good working arrangement. The French government press their view on this point very strongly. The one objection which they recognize is that it may become less easy to obtain the assent of the other treaty Powers. Their view however is that they, having recognized the French protectorate and generally adhered to the arrangements embodied in the Franco-German agreement of November 1911, have really no *locus standi* in demanding privileges in the way of appointments reserved to them. France is prepared in the first instance stoutly to defend this view in dealing with Germany and the other treaty Powers. They all gain by the establishment of the international municipality in which they are duly represented, and they may fairly be asked to be content with this. At any rate, M. Dupeyrat urged, let us not anticipate objections, or start meeting them by concessions, before such objections are raised. If they are it will be time to consider, in the light of what such objections may turn out to be, whether some concession can suitably be devised.

If the French view is accepted, it becomes unnecessary to make detailed provision respecting number and classes of minor posts. These can be freely left to be created and filled as occasion arises. This consideration afforded an additional argument to M. Dupeyrat for opposing the 25 per cent. nationality clause. He rightly pointed out that unless you are more or less certain how many posts there are to be, it is almost impossible to carry out such a percentage rule. With each new appointment in a small service the proportionality would be disturbed.

I think we should concur in the French view and consequently accept the proposed revision of the provisions in question.

Two minor changes in articles 23 and 25, not connected with this question, seem to me also unobjectionable: namely the omission of "mathématique" in article 23, and the substitution of "en chef" for "principal" in article 25.

As regards the division of duties in the Public Works Department between the French Chief Engineer and his Spanish Second Engineer (second paragraph of article 25), M. Dupeyrat produced an elaborate set of provisions which had been prepared by M. Porché. These dealt in the minutest detail and at great length with the whole interior organization of the Department. M. Dupeyrat proposed to insert the whole of this in the draft convention. I objected that this was hardly a desirable arrangement. These provisions would run into several pages of print, and would seem quite out of place in the convention. Moreover, they would require careful examination and discussion at the hands of experts before they could be approved by us, and I foresaw endless difficulty and delays. It appeared to me much preferable to confine the article in the convention to the principle announced, and to leave all these details to be settled between the French and Spanish engineers afterwards.

If the Spanish government were to insist on going into the details of organization before agreeing to the principle, it might perhaps become necessary to deal with the question. But let us wait, I said, until this does happen. M. Dupeyrat thereupon agreed to drop these proposals for the present. He mentioned incidentally that it was now definitely arranged that M. Llorens, the Spanish Assistant Engineer, would not remain at Tangier.

*Article* 27.—A form of words is now proposed which the French government believe will be more readily acceptable to Spain. It leaves open the question whether the delegation from the three Powers which is to set up a common regulation for the three territories is to be a permanent body—as contemplated by the original text—or whether they need only meet in order to settle the rules. It is quite likely, as M. Dupeyrat pointed out, that they will have little else to do, in which case it would be unnecessary to make it a body "in permanent session" as it were. The stipulation that the rules once agreed upon shall be applied in each zone by the local authority corresponds, I believe, with what we thought would be insisted upon by the Spaniards, and would have to be conceded.

I told M. Dupeyrat this particular subject was one in which Mr. White took a particular interest, and had very decided views, and that I hesitated to express any definite opinion pending reference to him.



II.—*Draft General Decree.*

*Article* 1.—The changes here proposed correspond with those in article 3 of the convention.

*Article* 3.—The French authorities wish to accentuate the religious character of the Sultan's authority. I see no objection.

The new and expanded clause at the end of the second paragraph is designed to meet a difficulty raised by Mr. White in private correspondence with M. Dupeyrat and M. Padilla, as to the necessary appointment of a "kaïd" or other Mussulman functionaries with purely administrative powers. As at first proposed by M. Dupeyrat, the clause was to the effect that no change would be made in the native local administration. I considered this not a satisfactory way of putting it; it might prevent us in future from ever introducing any kind of reform or readjustment. After discussion, we provisionally agreed upon the wording as now printed.

*Article* 6 corresponds to article 5 *bis* of the convention.

*Article* 7 raises the same question as article 11 of the convention.

*Article* 14.—The president and vice-president of the Committee of Control were to have been annually elected by secret ballot. The French government now think that to introduce this element of election is likely to lead to intrigues and jealousies among the foreign Agents. It would in their opinion be better to effect the same purpose by some automatic arrangement under which each Agent in turn would preside for a given period.

I think there is some force in these considerations, and see little if any objection to our accepting the amendment.

*Article* 18.—The proposed omission was explained by M. Dupeyrat to be due to the desire to leave the Committee of Control less fettered.

I see no objection.

*Article* 19.—One of General Lyautey's serious minor objections the French government considered themselves constrained to uphold. All the treaty Powers were to nominate each one member of the Municipal Assembly; only the Sultan was not to have this right. This was wrong in principle and injurious to the Sultan's prestige. He ought at least to be on an equal footing with the Powers in this respect. The French government accordingly mean to insist on letting the Sultan nominate one member; the number of elected Mussulman members would correspondingly be reduced from four to three.

M. Dupeyrat said that this was originally his and Mr. White's proposal, and that it was replaced only at the wish of Spain by the arrangement embodied in the original draft convention.

It may of course be urged that a nominated Moorish member means an addition to the French vote in the Assembly, whilst an elected Moor might not improbably be more or less impartial. I doubt however whether the point is worth fighting about. We should, I fear, find it exceedingly difficult to move the French from their present standpoint.

*Article* 85.—There had been no provision allowing for the presentation of supplementary estimates. The French government say there ought to be power to present them, and I agree.

*Article* 93.—If we accept the revised article 27 of the convention, we can no longer speak of a "Conseil sanitaire maritime." On the other hand, among the public institutions of the municipality, the international court should be mentioned. Hence the revised enumeration of the services.

*Article* 96.—The French are determined not to give up their command of the extra-urban police. They urge that, with the perpetual state of unrest in the neighbouring Spanish zone, it would be highly imprudent, if not dangerous, to place the extra-urban police under the command of a Spaniard. This must inevitably lead to that force being, by the lawless tribes over the border, identified with the Spanish troops, against which those tribes are in perpetual rebellion. So long as the force is commanded by French officers, as it is now, this danger would be obviated.

This is a specious argument.

It appears, moreover, that the King of Spain, when recently passing through Paris, was led to commit himself to the acceptance of the French proposal under this head; and although the King has since said that his government would not admit his authority to decide this question, the French government mean to hold His Majesty to his word.

I took up an attitude of strong opposition to the proposal, and I think it might be possible to get the French to accept Swedish or other commanders of one of the minor States. I did not however actually propose this, because I am not quite convinced of the virtue of a Swedish—or say Dutch—officered force, and because, on the other hand, I understand the present French police tabor is really efficient. No doubt a French-officered force will materially increase French influence in Tangier. From that point of view Swedes or Dutch would be better. But perhaps I exaggerate the importance of the matter. I should be glad to hear Mr. White's views.

*Article* 102 raises the same question as has been dealt with in connection with article 27 of the draft convention.

*Article* 110 corresponds to the revised article 22 of the draft convention.

*Article* 111 shows a slight verbal amendment, which I consider an improvement.

*Article* 117.—M. Dupeyrat informed me that the provision in the original draft decree (art. 119) for the election of the Cadi, Nadir, and other religious functionaries had been adversely criticized by their experts familiar with Mussulman thought and custom. It appeared to be absolutely contrary to the principles of the Mahometan religion to allow such officials to be elected. Appointment by the Sultan or his Khalifa was the only method which would be recognized by Mussulmans. It was therefore now proposed to entrust the Khalifa with the duty of making these appointments.

In order to prevent the selection of unsuitable men and to avoid any abuse in connection with this patronage, it is to be provided that candidates must pass an examination and be approved by the Committee of Control, who may also, by a two-thirds majority, demand the destitution of an official found to be unfit. The conditions of the examination would of course be approved by the municipality, although this is not expressly stipulated.

I think the arrangement offers reasonable guarantees against abuse and may be accepted, if it is clear that an elective system will not do.

*Article* 118.—Since it is now to be provided (article 3 of the decree) that the purely native administration will continue generally on the traditional lines, it seems unnecessary to lay stress on the right of the municipality to have a special native department in such of the municipal services as it may deem necessary. Moreover, M. Dupeyrat urged very forcibly that if this right is explicitly asserted, discontent will certainly be created among the natives whenever it is decided that in a particular service such special native department is not necessary or desirable. It would, he thought, be better to put in a less specific clause, leaving the same latitude to the municipality, without calling special attention to the point. I think there is much to be said for this, and I provisionally agreed.

*Article* 126.—The original draft as settled by the three delegates at Madrid imposed very definite restrictions on the municipality as regards the licensing of gambling establishments. It was feared that unless this were done, Tangier might become a kind of Monte Carlo. But the effect of setting out in detail what kind of games, under what conditions, and with what maximum stakes were alone to be permitted, and of adding a series of minute regulations, was to give a (superficial) impression that great importance attached to setting up gaming houses.

When M. Dupeyrat came in June to discuss the Madrid draft, I pointed this out to him, and added that I was much afraid this prominence given to the kind of games to be allowed would attract unfavourable attention in our parliament when the convention and decrees came to be published. I thought the proposed regulations themselves were quite reasonable, but I should much prefer a short clause merely stipulating that no games of chance were to be allowed except under such restrictions and conditions as the municipal government laid down.

Whilst this was still being discussed between us, the French government declared themselves in favour of prohibiting all games of chance whatever. I said at once that Great Britain was not likely to raise objections to this, and so we inserted the old article 128, which provides that "Les jeux de hasard sont interdits à Tanger."

Subsequently the French Government again changed their minds. They thought, on reflection, that it would be exceedingly difficult to prevent all gambling in a place like Tangier, and that it would be much wiser to recognize this and allow games under strict limits and supervision. Mr. White expressed himself strongly of the same opinion. He pointed out that properly restricted, as in most Swiss and Mediterranean health resorts (except Monte Carlo where no such restrictions are applied) modest forms of gaming did no harm, and they prevented a general resort to secret gambling. Moreover the issue of licences would bring in a good deal of revenue and it was hardly fair to deprive Tangier of such much-needed additions to her revenue



when all neighbouring towns in the French and Spanish zones were free to collect them.

In these circumstances, M. Dupeyrat proposed the reinsertion of the original provisions agreed upon at Madrid. To this I raised the same objection as I had done before, and renewed my old counter-proposal. M. Dupeyrat did not however consider that would do. If we left the municipality free to license gambling as it pleased, it might consent to accord much too much latitude. The severe restrictions proposed in the Madrid draft ought to be guaranteed in some form. I then suggested the text which now appears as article 126. It subjects the action of the municipality to the approval of a three-fourths majority of the Committee of Control. As the three Representatives of Great Britain, France, and Spain together with the Moorish Khalifa disposed together of more than one-fourth of the votes, nothing could be approved that we objected to. In order to establish the necessary agreement as to the conditions which the 3 Powers do approve, I suggested an exchange of (very brief) notes binding them to stand by the Madrid text. I should say that this would solve all difficulties.

III.—*Judicial Decree.*

I agreed with M. Dupeyrat that provision ought to be made defining the judicial functions of the Cadi, and instituting some sort of appeal from his decisions to a higher native authority. We decided that it would be best to let the 3 lawyers who had drafted the decree, make the necessary additions to it.

E. A. C.

*Foreign Office, September* 19, 1913.

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[43427] No. 75.

*Mr. White to Sir Edward Grey.—(Received September* 23.)

(No. 267.)

Sir, *Tangier, September* 17, 1913.

WITH reference to your despatch No. 147 of the 11th instant, I have the honour to inform you that the draft article 13 of the Tangier Convention submitted by the French Government appears to me satisfactory except that the wording of the fourth paragraph appears to imply that if the railway terminus, offices, sheds, stores, &c., are built on Makhzen lands other than those of the port no payment will be made. It is probable that these buildings will be erected on the land reclaimed from the sea, but it is possible that another site may be selected. I am therefore of opinion that it should be stipulated that whatever Makhzen lands are taken for that purpose should be paid for, as all land in the vicinity of Tangier is very valuable.

The sixth paragraph provides that an agreement should be come to between the railway company and the society holding the concession for the port regarding the site selected, plans of buildings, &c., and that only in the case of disagreement the competent Tangier authorities will be consulted. It seems to me but right that the Tangier authorities should be consulted in any case.

I have, &c.

HERBERT E. WHITE.

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[43412] No. 76.

*Sir Edward Grey to Mr. White.*

(No. 153.)

Sir, *Foreign Office, September* 24, 1913.

WITH reference to my despatch No. 145 of the 5th instant, I have to inform you that M. Dupeyrat came over to London on the 15th instant in order to discuss personally at this Department the modifications which the French Government desire to introduce in the draft Tangier Convention and dahirs.

The result of these discussions is embodied in a memorandum, a copy of which is enclosed herein,* from which you will observe that the alterations now suggested, though of considerable importance, are happily not nearly so far-reaching as those originally urged upon the Government by the French authorities in Morocco.

* No. 74

I shall be glad if you will at your early convenience furnish me with your observations on the proposals put forward by the French Government as shown in the revised copies of the draft convention and dahirs which have already been communicated to you unofficially.

I am, &c.
E. GREY.

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[43900] No. 77.

*Board of Trade to Foreign Office.—(Received September 26.)*

Sir, *Board of Trade, September 25, 1913.*

I AM directed by the Board of Trade to acknowledge the receipt of your letter of the 19th September forwarding copies of the text of revised Mining Regulations for Morocco, with copies of the *procès-verbal* of the recent meeting held at Berlin to consider these regulations.

Sir Edward Grey will recollect that whilst the Board did not consider that the regulations as drafted in February–March of this year contained much to which serious objection need be raised on the part of His Majesty's Government, they appeared to be open to criticism in regard to some points in which they differed from those drafted in 1910. On reference to the statement which accompanied the Board's letter of the 27th June last, it will be seen that the general tendency of these changes has been in the direction of eliminating references to the diplomatic and consular representatives of foreign Powers in Morocco and of giving less restricted powers to the Moroccan Government. In one matter indeed the revised regulations go even further in this direction than the draft of February–March by eliminating article 60 of the draft which provided for the control of the Makhzen in certain cases by a special arbitral tribunal.

The tendency in question is no doubt one which is inevitable, and the Board assume that in its general aspect it is not a matter to which Sir E. Grey would think it desirable to take exception. On this assumption they do not feel that they would be justified in pressing for the consideration by the French Government of the detailed criticisms that were contained in the statement alluded to, especially having regard to the comparatively small interest shown hitherto in this country in Moroccan mining.

There is, however, one matter, referred to in paragraph 4 of their statement, which may affect the interests of British owners of real property in Morocco, and which, in their opinion, might with advantage be brought to the notice of the French Government. As indicated in that paragraph, it appears to them that British subjects are entitled to claim the full benefit of articles 113 to 119 of the Act of Algeciras in the event of any proposal being put forward for expropriation of their property. They venture therefore to suggest that the French Government should be urged to make the necessary changes in article 42 of the present regulations so as to indicate that the provisions of the article are not intended to supersede those of the Algeciras Act which remain in force.

Subject to this reservation, the Board are prepared to concur in Sir E. Grey's proposal to accept the regulations (which they recognise are in certain respects more favourable to foreign investors or prospectors than those drafted in February–March last) on behalf of His Majesty's Government.

I am, &c.
E. G. MOGGRIDGE.

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[44237] No. 78.

*Mr. White to Sir Edward Grey.—(Received September 29.)*

(No. 268.)

Sir, *Tangier, September 17, 1913.*

IN the *note verbale* of the Spanish Minister of State, translation of which was forwarded to you in Mr. Rennie's despatch No. 144 of the 2nd instant, it is stated that it had not occurred to the Spanish Government that the proposal to send troops through the international zone would have given rise to objections on the part of Great Britain, "inasmuch as, with the consent of Mr. White, a clause was inserted in the convention relating to the municipality, to meet the question of the passage of



armed forces through Tangier, which laid down that in no case should they stay longer than forty-eight hours."

It was certainly never contemplated by me that the Spanish Government should have the right of marching troops through the international zone as suggested. A reference to the article will show that it does not refer to the passage of troops, but merely to "convois de ravitaillement destinés au Makhzen" and "fonctionnaires chérifiens ou étrangers" and their escort, which must be limited to the numbers strictly necessary, and I venture to suggest that, in order to prevent any future misunderstanding, this should be pointed out to the Spanish Government.

I would further observe that when this article, which was adopted from the Franco-Spanish treaty, was discussed, I did not anticipate that it was intended to apply it at times when military operations were in progress on the zonal frontier, as to do so might seriously endanger the peace in the Tangier district. Tangier being the most convenient port for landing goods required by the Makhzen, it has, hitherto, been the custom to receive them by this route; the object of the article was to allow this custom to be continued, when necessary, though it was considered that in practice it would seldom be necessary, as the ports of Ceuta, Tetuan, and Laraiche would generally be more convenient for the Spanish authorities.

I have, &c.
HERBERT E. WHITE.

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[44241] No. 79.

*Mr. White to Sir Edward Grey.—(Received September 29.)*

(No. 272.)

Sir, *Tangier, September 20, 1913.*

I HAVE the honour to transmit herewith translation of a letter addressed by Sid Guebbas to the doyen of the Diplomatic Body, stating that the Makhzen makes its reserves in regard to buildings erected by foreign subjects and protégés on habous properties, whether in the nature of new buildings or of alterations of those already existing.

The doyen's circular communicating this letter having been brought to me first, I stated, in my annotation, that the habous question was a very complicated one on account of the rights that had been acquired by the "keyholders" by virtue of long-established custom. It would be clearly unjust to deprive these persons of their prescriptive rights without due compensation; but, on the other hand, it was necessary to ascertain what these rights were, so as to distinguish them from the abuses which also existed. It was on this account that it was decided at Algeciras that the question should be examined by the Diplomatic Body in concert with a special commissioner to be appointed by the Sultan, in order that an equitable solution might be discovered. The Diplomatic Body was, however, still waiting for the appointment of that commissioner.

I thought it better to treat the habous question as a whole rather than to discuss the special points raised, as, owing to the difference of custom at the various ports, it is difficult to deal with the matter. At Tangier, for instance, holders of habous properties have been in the habit of obtaining permission before building thereon, and the practice is the same at some of the southern ports; whilst at others, such as Saffi, where it is that the question has arisen, I am assured by merchants who have lived there very many years that habous properties in the town have always been built on without protest, and that, when building was started on habous lands outside the town, no protest was made at first. Later the question was raised in regard to buildings by Germans and Spaniards, but the objections were successfully resisted.

I have, &c.
HERBERT E. WHITE.

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Enclosure in No. 79.

*Sid Guebbas to Dean of the Diplomatic Body.*

(Traduction.)

(Compliments d'usage.)

J'AI l'honneur d'informer votre Excellence que j'ai reçu des ordres chérifiens me prescrivant d'aviser les honorables membres du Corps diplomatique, dont vous faites

partie, que la Direction générale des Habous a attiré l'attention du Makhzen sur le cas de quelques particuliers détenteurs d'immeubles habous, parmi lesquels se trouvent des étrangers et des protégés, qui démolissent ces immeubles pour les reconstruire ou leur font subir des modifications sans y avoir été autorisé par le Makhzen.

L'Administration des Habous a également signalé au Makhzen d'autres personnes, comprenant également des étrangers et des protégés, possédant des terrains habous à titres d'usufruit, qui élèvent des constructions sur ces terrains sans qu'elle leur en ait donné l'autorisation.

Le Makhzen prévient les honorables membres du Corps diplomatique que la Direction des Habous fait toutes réserves de ses droits, relativement aux constructions qui ont été élevées dans les conditions précitées et aux modifications susvisées qui ont été apportées aux immeubles en question sans l'autorisation de cette administration.

Je crois donc devoir informer votre Excellence de ce qui précède, afin que vous vouliez bien en adresser communication à vos honorables collègues.

Salutations.

GUEBBAS.

*Le 9 septembre*, 1913 (*7 chaoual*, 1331).

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[44266] No. 80.

*Mr. Rennie to Sir Edward Grey.*—(*Received September* 29.)

(No. 151.)

Sir, *San Sebastian, September* 26, 1913.

I HAVE the honour to forward herewith copy of a memorandum regarding the proposed Tangier Convention, which was sent to me on the 24th September by the Minister for Foreign Affairs.

In his covering letter his Excellency merely states that this is a copy of the document which was sent that day to the Spanish Ambassador in London, and when I saw him this morning made no allusion to it beyond saying that he expected that it would by now probably have been communicated to you.

I have, &c.

ERNEST RENNIE.

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Enclosure in No. 80.

*Memorandum respecting proposed Tangier Convention.*

(Translation.)

THE scheme of agreement and dahir regarding the formation of an international municipality at Tangier was drawn up by the Franco-Spanish Commission which met at Madrid during various months of 1912 and 1913, and represented a compromise of which many points were only reached after considerable effort and after long discussions as to the details of the wording. His Majesty's Government therefore cannot fail to deplore the fact that it has been considered necessary, as a result of fresh deliberations in London, to revise the formulæ on which an agreement had been reached, since a risk is thereby run of reopening the discussion and of deferring the conclusion of a matter which it is to the interest of all to close finally and by common consent.

Apart from this general observation, the Government of His Catholic Majesty desires to submit to that of His Britannic Majesty the following remarks :—

1. They would desire to know the ground for the modifications introduced into the old article 3, in No. 5 of the old article 22 of the convention, and in paragraph 2 of the old article 11 of the dahir; the old wording appeared to them to be clearer.

2. By article 15 (old) and 17 (new numbering) of the convention the French Government does not renounce that part of the war indemnity which is due from Tangier except so long as the convention is in force. It is clear that this clause must be taken in conjunction with paragraph 5 of article 17 (old) and 19 (new numbering), so that when the present loans have been converted, and the intervention of the holders brought to an end, the French Government will not be able in any circumstances whatever ("invocar su credito propio para comunicarla por sí").*

* We are unable to translate this, as also is the representative of the Ministry of State, without reference to the necessary documents.



But independently of this aspect of the question there is another under which Spain is called upon to renounce that part of the Tangier customs dues which might have been owing to the Spanish zone. The Madrid Cabinet would have been prepared to cede its claims or rights to a certain portion of the incomings of the municipal zone and all the rights of third parties would have been likewise ceded to the municipality. But from the moment these concessions are made they must retain their own special rights or those of the Spanish zone.

3. The change introduced into article 21 old and 23 new numbering is a very serious one, and would need as a complement an undertaking on the part of the three Governments, those of Spain, England, and France, not to avail themselves of the power granted under the above-mentioned change, except in the manner agreed upon at Madrid for the distribution of offices.

4. The three Governments have solved in the draft of the convention or on that of the dahir questions which did not appear to them susceptible of being handed over for decision by the municipality. The attributions of the engineers and the language to be employed by them are, in the view of His Majesty's Government, matters of sufficient importance to demand a previous understanding. And they therefore regret that they cannot accept the new wording.

5. When the Spanish delegate proposed that the executive power should be entrusted to the president of the Municipal Assembly, it was to have been under much greater restrictions than those imposed by article 92 (new numbering) of the dahir. According to the formula of the Spanish delegate, the executive power was not to be concentrated in the hands of a single person, but to have been divided between various bodies in such a manner as not to entail risks for any interest whatever. If the French and English Governments persist in assigning to the so-called administrator-in-chief the powers set forth in article 92, the Spanish Government will call their attention to the fact that it is far more advantageous that these functions should be entrusted, not to the president of the Municipal Assembly, but to a person designated under the terms agreed upon in Madrid.

On this point there was a special agreement. The point reserved for decision was not the method of nominating this official, but his powers.

6. In regard to article 4 (new numbering) in the dahir, His Majesty's Government desire that the privilege (freedom from customs dues) should be extended to the jalifa of the Spanish zone.

7. The alteration made in number 6 of article 24 and article 40 of the dahir was already proposed during the sittings of the committee in Madrid, and rejected at the instance of the Spanish delegate.

8. Finally, His Majesty's Government desires an explanation in regard to the scope of article 14 of the convention, in view of the difficulties recently raised at the passage of Spanish troops through Tangier.

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[44935] No. 81.

*Mr. White to Sir Edward Grey.*—(*Received October* 2.)

(No. 42.)

(Telegraphic.) R. *Tangier, October* 2, 1913.

TANGIER Convention.

Your despatch No. 153 of 24th September only reached me yesterday afternoon. My detailed observations will reach the Foreign Office on 6th October, and I trust that definite reply will not be given before it is received, as it is impossible to explain objections in the compass of a telegram.

I agree with article 17 of the convention, and 18, 85, 113, and 126 of dahir, and proposed additional judge of dahir.

Convention, article 3. In order to limit restriction as far as possible, suggest "législative et" before "administrative."

Article 5 *bis*. Strong objection to proposal. We might suggest addition of original draft clause, making it clear that commission in article 6 of dahir would deal with applications extra-judicial and in a large spirit.

Article 11. Concur in Sir E. Crowe's views, but cannot France in any case erect fortifications at Sebou ?

Article 13. Better ignore my despatch No. 267 of 17th September.

Articles 22, 23, and 25, also 110 of dahir. Proposal objectionable. Employés in

three of the five services will be exclusively French, and they are apt to favour their nationals. The language difficulty could be overcome by making knowledge of French a condition of employment. I believe similar circumstances exist in Egypt. The French system is not free from language difficulties, as each central department will use different language. Selection of candidates by competition far preferable to nomination by the chief, which would lead to abuses.

Article 27. We must ensure uniformity, not only in the regulations, but also in decisions as to quarantine, which would rest with the local authorities; otherwise we will probably have land cordons.

Dahir, article 3. No objection to the first paragraph, but the strongest objection to the second, which is entirely different from my proposal, and would perpetuate all the existing Moorish posts.

Article 14. I prefer election, as ensuring competent president and his authority *vis-à-vis* the chief administrator, but the point is not of great importance.

Article 19. Original draft preferable, but the point might be left to be fought out between France and Spain, who will certainly strongly object. The Moors would be disappointed.

Article 96. The question of the commandant must, I suppose, be left to France and Spain to settle; but, in any case, I hope the original draft will be adhered to, with the omission, if necessary, of the word "espagnol" in the fourth line. Undesirable to maintain existing force, as at present constituted, without power to alter the numbers.

Article 117. From religious point of view, there is nothing against election, which the Mussulman notables pressed for. They will be greatly disappointed if this is changed, and I hope that the original draft will be maintained. Should we be obliged to accept the proposal, we should insert "provision" for "supervision" by the Committee of Control (see print of 3rd February, section 1).

Article 118. See observations on article 3. Original of article 120 should be retained.

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[44935] No. 82.

*Sir Edward Grey to Mr. White.*

(No. 44.)
(Telegraphic.) *En clair.* *Foreign Office, October* 2, 1913.

TANGIER Convention.

French Government represent absolute necessity of their being able to communicate some draft to Spanish Government when President and Minister Foreign Affairs visit Madrid, and I am anxious to meet their views as far as possible. I propose endorsing your recommendations as stated in your telegram No. 42 of 1st October except on following points, on which please telegraph at once your views at length *en clair* viâ Eastern. Your telegram expresses agreement with articles 18, 85, 113, and 126 of dahir. Article 113 must be mistake. Which article do you refer to?

As regards articles 22, 23, and 25 of convention, do you suggest retention of original text, or can you suggest some middle course to meet French objections partially? How do you propose to word article 27 so as to carry out your view?

Second paragraph of article 3 and article 118 of dahir were intended not to perpetuate all existing posts, but to guarantee that native administration will not be violently disturbed. Can you suggest alternative text?

Article 96. Would you prefer old text with merely French commandant, or would you favour Swiss commandant and Swiss officers? I should be prepared to press for his if you think desirable.

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[43900] No. 83.

*Sir Edward Grey to M. Cambon.**

Your Excellency, *Foreign Office, October* 2, 1913.

I HAVE the honour to inform your Excellency that His Majesty's Government have carefully considered the text of the Morocco Mining Regulations communicated

* Also to Spanish Ambassador, *mutatis mutandis.*



to this Office on the 5th ultimo by M. de Fleuriau, and I now hasten to communicate to your Excellency the result of this examination.

While there are several points, both in the draft regulations originally communicated to me and in the revised text, to which exception might be taken, His Majesty's Government are nevertheless anxious, as far as possible, to avoid rendering more difficult the task of the French and Spanish Governments in Morocco, and they will consequently refrain from putting forward detailed criticisms of the regulations as a whole. They feel, however, that they must make a reservation as regards article 42 of the new regulations, which deals with the question of the expropriation of property in the interest of the public service.

Whereas article 45 of the draft regulations of 1910 provided that the power of expropriation of railways and other undertakings should only be exercised in conformity with the Algeciras Act, article 42 of the revised regulations gives the Moorish Government, acting on the advice of the Service des Mines, a complete and unrestricted power of expropriation.

The articles of the Algeciras Act which govern the matter are Nos. 113 to 119, and His Majesty's Government attach great importance to the maintenance, in the interest of private proprietors, of the safeguards provided for in those articles. Indeed, having regard to the express provisions of the Act relating to the question of expropriation, the new article of the Mining Regulations appears to His Majesty's Government to be practically *ultra vires.*

They trust, therefore, that the Spanish and French Governments may see their way to make the necessary changes in article 42 of the present regulations so as to indicate that the provisions of the article are not intended to supersede those of the Algeciras Act, which remain in force.

Subject, however, to the modification of article 42 in the sense desired, His Majesty's Government are prepared to signify their acceptance of the Mining Regulations as a whole.

I have, &c.
E. GREY.

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[45068] No. 84.

*Mr. White to Sir Edward Grey.—(Received October* 3.)

(No. 43.)
(Telegraphic.) *En clair.* *Tangier, October* 3, 1913.

TANGIER Convention.

Your telegram No. 44 of 2nd October.

For "No. 113" read "No. 111."

Articles 22, 23, and 25 of convention. I propose to retain our text; the only modification I can suggest with a view to simplification is substitution of "employés subalternes" for last two classes in article 22, thus having only four classes. French proposals suppress condition that contracts are to be only for term of convention, and we will find ourselves saddled with French officials for an indefinite period by virtue of contracts like that of M. Porché. By maintaining present employés in office under "droits acquis" clause of article 110 of dahir, we will have in Finance Department the Frenchmen now in Administrations of Urban Tax, Domaine, Mustafadat, &c.; these will be in addition to employés in three French Departments and in Contrôle de la Dette, Port, State Bank, &c.

Article 27 of convention. If French propose to retain second paragraph of our article 102 of dahir, we can agree. I presume, however, that second paragraph was intended to be struck out; in that case we should maintain our articles 27 and 102, as they will assure the necessary uniformity. The danger is that a foreign port may be declared "infected" by one zone and "healthy" by others; this would lead to cordons to prevent passengers and goods entering that zone through the others.

Article 3 of dahir. I suggest following text:—

"Contrôler l'administration des indigènes, qui sera assurée par un personnel marocain nommé par notre Khalifa conformément à la proposition de la municipalité. Ce personnel n'aura pas de compétence en matière judiciaire."

Article 118. Omit words "Dans les formes traditionnelles."

Article 96. Personally I have no objection to French commandant, but is it necessary to mention nationality in text? Our draft provides that first commandant

must be either French or Spanish, and a private arrangement might be come to between France and Spain for Frenchmen to be named at first. Valdrome, in criticising appointment of a Spanish commandant, told me he would have had no objection to an English officer from Egyptian service.

[45128] No. 85.

*Mr. White to Sir Edward Grey.—(Received October 4.)*

(No. 277.)

Sir, *Tangier, September 26, 1913.*

WITH reference to your despatch No. 148 of the 11th instant respecting the intention of the French Government to proclaim martial law in their zone in regard to the contraband trade in arms and ammunition, I have the honour to report that the German Chargé d'Affaires has read to me a despatch he has received from his Government informing him that a communication on this subject had been received from the French Embassy at Berlin, and that they had replied that they were prepared to support the French in putting down the contraband trade in arms and ammunition, provided that the legitimate trade in these articles was not interfered with otherwise than as laid down in the Act of Algeciras. The question of the tribunal by which offenders should be tried was not touched upon in the German note, and M. de Wesendonk seemed somewhat perplexed as to what were the views of his Government on that point.

In answer to his enquiry, I acquainted the German Chargé d'Affaires with the nature of the reply you had made on the subject.

The Dutch Agent and the Austrian Chargé d'Affaires also mentioned the matter to me. The former communicated to me the text of the note received by his Government from the French Minister at The Hague. It is, as regards the first paragraph, practically identic with M. de Fleuriau's note of the 4th instant, except that the last sentence, "La plus grande publicité sera donnée à cette loi, avant qu'elle entre en application," is omitted. It is replaced by a promise, contained in the second paragraph, to communicate to the Dutch Government the text of the law as soon as it has been established.

M. Advocaat informed me that his Government had not yet made any reply to this note, and had requested him to report the views of his colleagues on the subject and also the distance from the sea to which would extend the area in which martial law was to be proclaimed. I observed that it would appear from the text of the French note that martial law was to be applied throughout the whole of the French zone.

The French Chargé d'Affaires spoke to me on the subject this morning, informing me that he had heard nothing whatever in regard to it from his Government; he seemed even to be unaware that it was contemplated to proclaim martial law.

Some comment has been made by certain of the foreign representatives on the present moment having been chosen by the French Government to decide to proclaim martial law in their zone as regards contraband of war. The French authorities and press, official and unofficial, have been unanimous in declaring—and apparently with truth—that the pacification of the country in their zone is proceeding most satisfactorily, the disaffected area becoming gradually more and more restricted as additional fractions of the rebel tribes come in and make their submission, and though the subject of the introduction of contraband arms and ammunition into the Spanish zone has been much before the public, one has heard little or nothing of such contraband trade in the French zone. It is true that rumour, believed to be well founded, has it that, after a recent fire in the custom-house at Casablanca, the remains of a considerable number of rifles were found amongst the ashes of the hay imported by the French contractor for fodder for the troops, but, though the contractor was hastily summoned to Casablanca from Tangier, nothing was allowed to leak out on the subject, and there has been no mention in the French press for some time past of any seizures of contraband in the French zone. It is consequently believed by some that this move of the French Government is not unconnected with the approaching establishment of the new tribunals, the organisation of which has now been completed. It may be thought that the submission of foreigners to the French military courts will constitute a useful first step towards obtaining their submission to the jurisdiction of the new French tribunals.

I have, &c.
HERBERT E. WHITE.



[45132] No. 86.

*Mr. White to Sir Edward Grey.—(Received October 4.)*

(No. 281.)

Sir, *Tangier, September 28, 1913.*

I HAVE the honour to transmit herewith an extract from the "Bulletin officiel" of the 19th instant, containing two dahirs regarding the administration of the "habous" in the French zone.

These dahirs, addressed to Sid Ahmed-el-Djai, the director of the Habous Administration, place the general management of all habous properties in his hands, with the assistance of a council composed of several Oulema, the French Secretary-General attending all their meetings.

The mourakibs and nadirs, in charge locally of habous properties, are appointed by the Sultan, and are under the control of the Central Administration, whose approval must be obtained for all sales or leases for a long term and for the allocation of the funds.

The second dahir regulates the granting of leases for short or long terms, which in either case must be by auction to the highest bidder, strict conditions being imposed on the tenants in regard to new buildings, alterations or other improvements, subletting, &c. Provision is also made for allowing the sale of habous properties with the approval of the Central Administration, all sales being by auction. The produce of habous properties can be disposed of by auction.

The fifth chapter of the dahir lays down the principle that the revenues derived from the habous must be applied to the maintenance of charitable institutions in accordance with the wishes of the founder, to the maintenance, repair, and administration of habous properties, to the sustentation of religion, instruction, and the Mussulman judiciary, and to works of charity and of public benefit to the faithful.

It remains to be seen whether it is intended to relet under the terms of this dahir the habous properties at present in the hands of foreign subjects and protected persons.

I have, &c.
HERBERT E. WHITE.

[45248] No. 87.

*M. Cambon to Sir Edward Grey.—(Received October 4.)*

*Ambassade de France, Londres,*
*le 3 octobre, 1913.*

M. le Secrétaire d'État,

EN application du paragraphe 2 de l'article 9 du Traité franco-allemand du 4 novembre, 1911, le Gouvernement de la République française et celui de Sa Majesté le Sultan du Maroc viennent d'instituer, dans l'Empire chérifien, un nouveau régime judiciaire. Ce régime est destiné à remplacer, à partir du 15 octobre, 1913, les tribunaux consulaires français fonctionnant en vertu des Capitulations.

J'ai été chargé par mon Gouvernement de transmettre à votre Excellence le texte des décrets présidentiels et dahirs chérifiens portant institution de ce nouveau régime judiciaire. Ces documents sont contenus dans les numéros du "Journal officiel" de la République française et du "Bulletin officiel" du Maroc que votre Excellence trouvera ci-joints.

Le Ministre des Affaires Étrangères de la République m'a invité en même temps à demander au Gouvernement britannique de soumettre également ses ressortissants aux juridictions qui viennent d'être organisées.

Veuillez, &c.
PAUL CAMBON.

* Not printed.

[45265] No. 88.

*Sir Edward Grey to Sir M. de Bunsen.*

(No. 45.)
(Telegraphic.) *Foreign Office, October* 4, 1913.

MY despatch No. 112 of 24th September.

French Government propose to take opportunity of President's visit to present to Spanish Government revised drafts of convention and dahirs respecting Tangier. I have just communicated to M. Cambon my decision with regard to the several amendments recently proposed here by M. Dupeyrat, of which your Excellency has the text. I have accepted some, but rejected others. Full particulars being sent to you by post to-night.

If your French colleague approaches you in the matter you should guide your language and action by the above decisions, which will supplement the instructions in my telegram No. 28 of 10th July. If French Government accept views of His Majesty's Government on these most recent proposals, and wish to base thereon a joint Franco-British communication to Spanish Government, you may join accordingly.

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[44266] No. 89.

*Sir Edward Grey to Sir M. de Bunsen.*

(No. 46. Confidential.)
(Telegraphic.) *Foreign Office, October* 4, 1913.

MR. RENNIE'S despatch No. 151 of 26th September: Tangier Convention.

Spanish memorandum deals with drafts as revised here with M. Dupeyrat in June. Copies were given privately and in strict confidence to Spanish Ambassador here in July when it was believed they were being officially communicated to Spanish Government and French Ambassador at Madrid.

Your Excellency is aware of the reasons which caused that communication at last moment to be indefinitely postponed.

The drafts having now been further revised at the request of French Government, it would serve no useful purpose and would be clearly undesirable in every way that we should enter into discussion with Spanish Government respecting documents which are superseded and which were never officially communicated to them. I therefore do not propose to answer Spanish memorandum.

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[45263] No. 90.

*Note communicated to M. Cambon.*

TANGIER.

With reference to article 117 of the draft Dahir, Mr. White has suggested that the retention of the original text, which His Majesty's Government have said they would prefer if possible, might be facilitated by adopting the first paragraph of M. Dupeyrat's proposed version. If this paragraph were placed at the head of the old article 119 (page 25 of the printed draft), and a few consequential alterations introduced in the remainder of the text, it could be made clear that the appointment of the kadi and nadir would be made by the Khalifa, whilst the choice of the persons to be so appointed would be left to the native electoral college.

If such a compromise could be agreed to, it would entirely meet the views of His Majesty's Government.

*Foreign Office, October* 4, 1913.

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[45265] No. 91.

MEMORANDUM BY SIR EYRE CROWE.

*Observations on Alterations in Draft Tangier Convention and Dahir général proposed by French Government.*

CONVENTION.

THE amendments to articles 17 and 27 are accepted.

*Article* 3.—His Majesty's Government are of opinion that the municipality should have power to correspond direct with the representatives of the Powers within the limits of its legislative, as well as its administrative autonomy. The wording suggested by the French Government appears to them to be too restrictive.

*Article* 5 (*bis.*)—His Majesty's Government cannot accept the article proposed, to the principle of which they have strong objection. It is, in their view, essential that persons threatened with expulsion from the international zone should have the right of appeal to some impartial authority, as provided for in paragraph 3 of article 6 of the "Dahir général" as originally drafted.

The grounds on which His Majesty's Government object to the French proposal are, as has already been explained verbally to M. Dupeyrat, based on the absolute control which it would enable the French and Spanish representatives at Tangier to exercise over natives coming from the French or Spanish possessions or protectorates in Africa to settle in Tangier. It is quite possible that this may be a fairly numerous community in time.

*Article* 11.—His Majesty's Government regret that they cannot consent to the suggestion that the Committee of Control should have power, even by a unanimous vote, to authorise the erection of fortifications on the land frontiers of the Tangier zone. Experience has shown that it is not easy to draw a genuine distinction between land and sea defences. No necessity has, moreover, hitherto ever been shown for works to defend Tangier on the land side.

*Article* 13.—In order to meet the wishes of the French Government, His Majesty's Government assent reluctantly to the new wording of this article.

*Articles* 22, 23, *and* 25.—His Majesty's Government have given their most careful consideration to the proposal that the heads of the municipal departments should be free to choose their subordinates.

They would have been glad to find themselves in agreement with the French Government on this point, but, after closer inspection, they feel unable to assent to the proposed alteration of these articles. There can be no doubt that the remaining Powers signatory to the Algeciras Act would be entitled to object to the practical exclusion of their nationals from the international municipal services. But, apart from this consideration, it cannot be overlooked that the considerable number of French nationals already employed in the service of the State at Tangier would, under the arrangement suggested, give an altogether undue preponderance to the French element in the government of Tangier. In practice, the judicial, public works, "interior" departments would become French institutions, in addition to the Customs, State Bank, Tobacco Régie. Nor should it be forgotten that a number of French officials are already employed in certain branches of the Finance Department—administration of the Taxe urbaine, Domains, Mustafadat, &c.—all of whom would remain under the provisions of article 110 of the Dahir respecting "droits acquis."

The original contemplated arrangement, although it may present some unavoidable drawbacks, meets the nationality difficulties in the fairest way, and it appears best, on the whole, to adhere to it.

DAHIR GÉNÉRAL.

The amendments to articles 85, 93, 102, 111, and 126* are accepted.

*Article* 1.—The alteration corresponds with that which His Majesty's Government desire to introduce in article 3 of the draft Convention.

*Article* 3.—The modification of the original text was made, at the wish of the

* As complemented by the draft note on the subject of games of chance.

French authorities, in order to accentuate the religious character of the Sultan's authority. His Majesty's Government accept the new wording, subject to the amendments now shown. They consider that it should be clearly laid down that the Moorish staff in control of native affairs will have no judicial authority. Moreover, it seems undesirable by an insistence on "formes traditionnelles" to hinder the introduction of such reforms and readjustments as time may show to be necessary.

*Article* 6.—See observations on article 5 *bis* of the Convention.

*Article* 7.—See observations on article 11 of the Convention.

*Article* 14.—His Majesty's Chargé d'Affaires at Tangier has pointed out that the selection of the president and vice-president of the Committee of Control by rotation is almost certain to produce at times a series of inefficient presidents, a contingency which it is obviously highly desirable to avoid. His Majesty's Government would therefore prefer to maintain the original text, under which the president and vice-president would be elected annually. They do not, however, attach vital importance to this point, and, if France does so, they will be prepared to waive their objections to the new text.

*Article.* 19.—His Majesty's Government regret that the French Government have felt constrained to revert to the original proposal that the Sultan's khalifa shall have power to nominate one member of the Municipal Assembly, thus reducing the number of elected Mussulman members from four to three. The arrangement finally decided upon at Madrid is, in their opinion, infinitely preferable, but they are ready, reluctantly, to agree to the new wording, if the Spanish Government are also willing to do so.

*Article* 96.—His Majesty's Government would propose that the original text of this article should be restored, with an alteration so as to leave undecided the nationality of the officer to command the military police. This could be effected by the substitution of the word "Européen" for the word "Espagnol" in (1).

A suggestion has been made that the difficulty of choosing between a French and a Spanish commandant might be solved by the selection of a British officer from the Egyptian army. His Majesty's Government would, of course, favour such a solution.

*Articles* 110 (*new*) *and* 113 (*old*).—See observations on articles 22, 23, and 25 of the Convention.

*Article* 117.—If it is really a fact that the election of religious functionaries would be altogether contrary to the principles of the Mahommedan religion, His Majesty's Government will accept the new article 117. Mr. White denies, however, the correctness of this proposition, and if, on further examination, his views are confirmed, His Majesty's Government will desire to maintain the original article 119.

*Article* 118.—See concluding sentence of observations on article 3.

DAHIR SPÉCIAL D'ORGANISATION JUDICIAIRE.

It is agreed that the three jurists who formed the judicial commission at Madrid shall be invited to add an article to the judicial decree, as provided in the draft note annexed thereto.

*Foreign Office, October* 4, 1913.

E. A. C.

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[45836] No. 92.

*Sir Edward Grey to Mr. White.*

(No. 49.)
(Telegraphic.) *Foreign Office, October* 7, 1913.

ORGANISATION of Tangier.

French give way on question of expulsions. They still press for greater measure of unification of services by allowing preponderance of each nationality in choice of lower officials in services respectively allotted to it, and now propose as a compromise that in each service 75 per cent. of lower officials should be allowed to be of the dominant nationality. After reading your memorandum of 1st October, enclosed in your private letter to Department of same date, I do not suppose you will consider



that this would meet your objections, and, if so, I am prepared to hold out for maintenance of original provisions. Please reply on this point by telegraph.

French also continue to press for acceptance of their proposals respecting police and fortifications, to which I am disinclined to agree.

(Repeated to Madrid, No. 48.)

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[45877] No. 93.

*Mr. White to Sir Edward Grey.—(Received October* 8.)

(No. 46.)
(Telegraphic.) R. *Tangier, October* 8, 1913.

YOUR telegram No. 49 of 7th October: Tangier Convention.

Compromise might be effected by accepting new French proposal if percentage is reduced to, say fifty, but I think that we should insist on "concours" for admission, and a time-limit for contracts of higher officials.

Trust French will yield as to maintenance of present police numbers and dual organisation.

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[45866] No. 94.

*Foreign Office to M. Cambon.*

My dear Ambassador, *Foreign Office, October* 8, 1913.

WE have again set the telegraph in motion, and as a result of further consultations and discussions I am authorised to send you the enclosed memorandum setting out somewhat more fully the considerations which have inspired the views and conclusions arrived at.

We just hear from Madrid that the idea of presenting the drafts to the Spanish Government at this juncture is likely to be abandoned so as to give time for fuller consideration.

I have, &c.
EYRE A. CROWE.

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Enclosure in No. 94.

*Memorandum communicated to M. Cambon, October* 8, 1913.

HIS Majesty's Government have learnt with much pleasure that the French Government no longer insist on power being given to the French and Spanish representatives at Tangier to expel from the international zone, without reference to any municipal Tribunal, natives coming from the French and Spanish protectorates to reside in the Tangier district.

The French Government, on the other hand, press for the acceptance of their views in regard to (1) the police, (2) the appointment of the subordinate employés of the municipality, and (3) the erection of fortifications.

*Police.*

(See article 96 of Dahir.)

It might at first sight seem as if the French proposal to retain the two existing units of the Tangier police in their present condition would merely involve a continuation of the existing police arrangements at Tangier. This is, however, not the case. The present police are divided into two branches—an urban force under Spanish command and an extra-urban military force under French command. But the scheme for the internationalisation of Tangier provided that the urban police is now to come under French, instead of Spanish control, and if therefore the extra-urban force were to retain the French commandant the whole Tangier police would practically be under French control. This was not intended when the scheme was discussed at Madrid. It is an aspect of the question which appears to have been overlooked, and His Majesty's Government cannot but continue to express their

objection to both the rural and town police being permanently placed under French command.

His Majesty's Government understand and appreciate the objections to the district police being placed under Spanish control owing to the risk of the international zone being thereby involved in the hostilities taking place in the Spanish zone. The appointment of a French commandant is not, however, the only solution of the question. The appointment of a commanding officer belonging to some minor European Power appears to His Majesty's Government to be preferable.

*Municipal Employés.*

(See articles 22, 23, and 25 of Convention and article 110 of Dahir.)

The French Government, while still objecting to the retention of the original articles, now propose, as a concession to the views of His Majesty's Government, that it shall be stipulated that 25 per cent. of the subordinate officials might be of other nationalities than that of the head of their Department, or, in other words, that 75 per cent. of the appointments shall be in his gift. They object to the provisions of the original draft, which provide for the more radical internationalisation of the municipal services on the grounds that it would be impossible for so many nationalities to work well together without friction or delays. His Majesty's Government recognise that certain difficulties must present themselves under the original scheme, but they do not believe them to be insuperable. A similar mixture of nationalities to that proposed at Tangier is to be found to a certain extent in the various Government and municipal offices in Egypt without the disastrous results feared by the French Government, and, so long as it is provided that all candidates for posts must show themselves to be thoroughly competent for their duties, and to possess a good knowledge of French, the objections to the original clauses on this score would, it is believed, practically disappear.

It may also be pointed out that some inconvenience would undoubtedly occur under the French scheme, as it might then be expected that in the various posts Frenchmen, Englishmen, and Spaniards would be found with no knowledge of any language but their own, whilst the correspondence and archives of the several Departments would be in a different language. Considerable importance is also attached by His Majesty's Government to officials being appointed by competition, and not by simple nomination.

Their most serious objection to the French proposals is, however, that their acceptance would mean the appointment of a French personnel of 75 per cent. in three of the five principal Departments (Judicial, Public Works, and Interior) apart from the services exclusively in the hands of France, such as the Contrôle de la Dette, the Government monopolies, and, for practical purposes, the State Bank, whilst a considerable number of Frenchmen are, as it is, employed in the two Departments not under French control, whose tenure for many years to come would be assured by the reservation as to "droits acquis" in article 110 of the Dahir.

The general effect of the new amendments would therefore be to give to the administration of Tangier not an international, but an almost completely French complexion, and His Majesty's Government do not think they can in fairness be asked to give their assent to so grave a departure from the principle which the Madrid Commission met to carry into effect.

*Fortifications.*

(See article 11 of the Convention and article 7 of the Dahir.)

His Majesty's Government regret that they are unable to admit the necessity for giving the Committee of Control power to authorise the erection of fortifications for the defence of the land frontiers of the international zone. No evidence as to such fortifications being required has been brought forward. There has certainly been no need for them hitherto, and the expert advisers of His Majesty's Government do not consider that there is any ground for anticipating any contingency making them necessary in future.

*Appointment of Cadi and Nahir.*

(See article 117 of Dahir.)

In continuation of their memorandum of the 4th instant, His Majesty's Government desire to call attention to the agreement reported to have been reached quite



recently by the Turkish and Bulgarian Governments that neither the Sheikh-ul-Islam nor the Bulgarian Government shall have the right to nominate the muftis in Bulgarian territory, but that a mufti shall be elected by each local community. This appears to bear out Mr. White's contention that the election of religious functionaries is not necessarily contrary to the principles of the Mahommedan religion. In some ways the muftis are almost more important than the cadi, as they are the expounders of the religious law, and the cadis base their judgments on the muftis' expositions. It should be added that Mr. White reports that his views have been confirmed by an adel well versed in religious law.

*Sanitary Maritime Council.*

Since the date of the note communicated to his Excellency the French Ambassador on the 4th instant, the attention of Sir E. Grey has again been called to article 102 of the Dahir. According to the text as printed, it appears to be intended that the new version, printed in italics, should replace the first paragraph of the article, whilst the concluding paragraph would remain in its original form.

A closer inspection of the texts suggests, however, that the adoption of the new paragraph must entail some changes in the wording of the following clause, which it overlaps in a certain measure. In these circumstances, it is perhaps well to point out that His Majesty's Government attach particular importance to the phrase "il prendra toute décision en matière quarantenaire en application dudit règlement" being retained as it stands.

In conclusion, His Majesty's Government would point out that the whole question of the internationalisation of Tangier was discussed in great detail by the Madrid Commission, when the advantages and disadvantages of the several proposals of each of the three Governments concerned were fully weighed, and a balance was finally struck, under which no doubt each party, but certainly His Majesty's Government, made a number of important concessions. When M. Dupeyrat came to London in July last to discuss the drafts unofficially with this Department a number of further concessions to the French standpoint were made by His Majesty's Government, and the balance settled at Madrid was thus disturbed. The proposals now put forward by the French Government all tend still more to upset the balance of concessions and counter-concessions agreed to at Madrid, and each proposal is a further departure from the principle of internationalisation. His Majesty's Government cannot but express their great regret at the reopening of so many of the questions which have already been settled at Madrid by a policy of mutual concession and good-will.

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[46174] No. 95.

*Mr. White to Sir Edward Grey.*—(*Received October* 11.)

(No. 286.)

Sir, *Tangier, October* 1, 1913.

WITH reference to your despatch No. 153 of the 24th ultimo, which reached me late yesterday afternoon, I have the honour to transmit herewith a memorandum embodying my observations on the various modifications which the French Government desire to introduce in the draft Tangier convention and dahirs.

Though not so far-reaching as the original proposals of the French Government, the alterations now suggested would, if accepted, wipe out some of the more important concessions obtained from the French delegate at the Madrid Conference, and their cumulative effect would be to firmly establish the predominance of France at Tangier.

The French Government have posed as the champion of the Moorish population, but all the modifications they now propose in connection with the natives would cause bitter disappointment to the Moors, whose chief desire has been to elect their own cadi, nadir, &c., so as to ensure their independence of the French and of unjust Moorish officials.

I have, &c.
HERBERT E. WHITE.

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Enclosure in No. 95.

*Memorandum.*

1. *Draft Convention.*

*Article* 3.—I am afraid that in practice it will be found very inconvenient if a foreign Government cannot communicate directly with the municipality through its own representative at Tangier on any considerable number of questions, and I should like to limit, as far as possible, the classes of questions regarding which the Resident-General must be the sole channel of communication. As the article now stands, France might claim that any observations a foreign Government may desire to make regarding laws or regulations framed by the municipality would have to pass through the Resident-General. Could we suggest the words "autonomie législative et administrative," corresponding to the "pouvoirs législatifs et administratifs" of the third line of the article? This would, at any rate, be a little wider.

*Article* 5 *bis*.—I have a strong objection to this article for the reasons explained in Sir E. Crowe's memorandum. It is all very well for M. Dupeyrat to scorn the idea that the agency would thereby obtain a complete control over the category of persons referred to, but there can be no doubt that it would be so, and that the power would be made use of. Article 6 of the dahir afforded all the guarantees France can reasonably demand. It is in the interests of all to exclude pan-Islamic or other agitators, and one could rely on the Commission provided for in that article not desiring to shield such persons. The Commission would sit extra-judicially and hear the applications *in camerâ;* it would act on any reasonable evidence without necessarily requiring full proof in the judicial sense of the word. Would not the French Government be satisfied if some words were added to the article to make this clearer?

Should we eventually have to accept this article, it should in any case be made clear that it only applies to Moors from the French or Spanish zones who may establish their residence at Tangier after the date of the convention, otherwise it would apply to Menebhi and other important Moors now residing here.

*Article* 11.—At first sight I saw no objection to this proposal, as any single Power could veto the construction of such works, and it might conceivably be found convenient to allow the police to erect small blockhouses. I appreciate, however, the danger pointed out by Sir E. Crowe, and perhaps it would be safer to maintain the original wording of the article. Are not the French, however, at liberty to construct fortifications at Casablanca, or at any other point south of the right bank of the Sebou? If the French press this question, one might insert a condition that the blockhouses should not be capable of mounting any guns other than machine-guns.

*Article* 13.—In my despatch No. 267 of the 17th ultimo I suggested a slight modification of this article, but in the circumstances explained by Sir E. Crowe it would be prudent to leave the article as it stands.

*Article* 17.—The proposed addition is desirable.

*Articles* 22, 23, *and* 25.—I am fully alive to the objections to our Madrid scheme as regards the nationality of employés, but I confess that I am dismayed at the new proposals, which will result in the very large majority of the posts being held by Frenchmen. It will, however, be more convenient to discuss this question in connection with article 110 of the dahir, treating of the same subject.

With regard to the Public Works Department, I entirely agree that it is inadvisable to introduce into the convention elaborate provisions entering into the minute details of organisation.*

*Article* 27.—This article must be read in conjunction with article 102 of the dahir, and I confess that I do not understand what is exactly the proposal of the French Government. From Sir E. Crowe's memorandum, it would appear that the delegates' only functions will be to draw up the regulations. I conclude, therefore, that it is intended to suppress the whole of the original article 102, and not only its first paragraph as marked in the draft. If the second paragraph is to stand (in which case "ledit conseil" should read "lesdits délégués") I have no objection to raise, as the

* The last two paragraphs of the original article 22 should in any case be retained, so as to prevent contracts being entered into for an indefinite term, and to enable the Committee of Control to get rid of incompetent or otherwise unsuitable persons.



effect is the same as before, though I prefer the original wording. The following observations are offered in the belief that the whole of article 102 is to be suppressed.

The original text of these two articles provided for a permanent Sanitary Council sitting at Tangier, whose duty it would be not only to draw up the regulations to be applied throughout Morocco, but also to decide as to its application, the rôle of the local authorities being limited to giving effect to the decisions of the Council. By this system we assured uniformity in quarantine matters at all the ports of the three zones.

The effect of the new proposal will be that a set of regulations will be drawn up by delegates of the three zones, whose functions will cease once the regulations have been framed, it being left to the authorities of each zone to take all decisions in questions of quarantine.

Maritime sanitary regulations can only be drawn up in general terms, so it will be left to the discretion of the competent authority to declare any particular port "infected," "suspected," or "healthy." The competent authority under our scheme was the Sanitary Council, whereas under the new proposal it is the local authority; thus Tangier may declare Cadiz, for example, "infected" with cholera or plague, whilst Laraiche may declare it free of infection, with the result that passengers refused admission at Tangier could come here from Cadiz viâ Laraiche. It is often a difficult question to decide how to class a port where there have been cases of plague, cholera, or other disease, and it may be assumed that different decisions will be taken in the three zones, with the probable result of land cordons being established. Spain is very retrogade in this respect, and is apt to declare ports or areas "infected" on insufficient grounds. Tangier will thus be driven either to follow suit or to have its communication with the rest of Morocco cut off. For these reasons it is, in my opinion, important that there should be a permanent Council with whom it should rest to decide whether any particular port should be declared "infected," "suspected," or "healthy," and that its decisions should be binding throughout Morocco. It is desirable also that this Council should have its seat at a place in regular telegraphic and postal communication with the rest of the world, so as to be in a position to obtain early information as to the existence and progress of epidemics in other countries. Tangier is undoubtedly the best situated, as telegraphic and postal communications with Tetuan and Rabat are imperfect at present.

I must also point out that according to the wording of the new articles the "local authority" at Tangier, with whom it would rest to take decisions, would be under the Department of "Education, Poor Relief, and Sanitation," and under the new proposals would be a Spaniard, as his selection rests with the head of that department.

2. *Draft Dahir.*

*Article* 1.—See observations on article 3 of convention.

*Article* 3.—I see no objection to proposed addition to the first paragraph.

The second paragraph goes far beyond the proposal made in my private letter to M. Dupeyrat. I merely suggested that there should be a Moorish official, for whom I proposed the name of "kaïd," to show that he would not correspond to the existing "basha," and who would have very limited functions, such as appointing the headmen of the villages, and would be the intermediary for communications with the Moors, but would have no magisterial powers whatever. The addition now proposed to article 3 implies the retention of all existing Moorish officials with their present powers. This to my mind is quite inadmissible. The second paragraph of the article should remain in its original form, and if the French Government agree with my proposal to appoint a "kaïd," provision could be made for it in article 117.

*Article* 6.—See observations on article 5 *bis* of the convention.

*Article* 7.—See observations on article 11 of the convention.

*Article* 14.—The reasons which prompted us at Madrid to decide that the president and vice-president should be elected were—

1. That we would thus obtain the best man;
2. That these officers could be re-elected if necessary; and
3. To avoid having as president some of the representatives who are undesirable, from incompetence or other reasons.

Experience shows that a temporary president seldom takes real interest in his work, which is looked upon as a corvée, to be passed on to his successor with a sigh of relief. It is the permanent secretary who is virtually the president, as he has the

experience which the temporary president frequently lacks. The permanent secretary is almost sure to be a Frenchman.

Another point is that an elected president, who would probably hold office for several years, would have considerable prestige and be able to uphold his position; whereas the annual president by rotation would be liable to be overshadowed and imposed upon by the "administrateur en chef," who, under the revised article 19 is certain to be Ci Ali Zaki, and the authority of the Committee of Control might gradually become diminished.

On the other hand, there is the contingency to be taken into account of the French Agent being elected president. There are, however, so many points of greater importance, that if we must yield on some points, I would rather yield on this than on some of the others.

*Article* 18.—I see no objection.

*Article* 19.—The real object of the French is to secure a safe seat for Ali Zaki, whom they wish to have as "administrateur en chef." I should be glad to see him in that post as an elected and therefore independent member, but he is less desirable as a French nominee and consequently entirely under French control.

The Spanish Government were very firm on this point and it will probably be difficult to obtain their consent to the presence in the Assembly of a Moorish nominated member. Their arguments are really more sound than those of the French Government, who claim to have it both ways: the Sultan is to be in some respects regarded as an independent Sovereign, entitled to his Khalifa and his nominated member, with their votes in the Committee of Control and Municipal Assembly, whilst in other respects the protectorate is brought forward and we are told that all communications pass through the French. Nevertheless, I should be inclined to raise no objection and leave the French to fight out the question with the Spanish Government.

The Moorish population will, of course, be much disappointed at this change, which deprives them of the right of selection of one of the Moorish members.

*Article* 85.—I agree.

*Article* 93.—Chapter VIII is headed "Services administratifs." Is the International Tribunal an administrative service and has it a share in "la gestion des intérêts publics"? My only object in making these remarks is fear lest the inclusion of the tribunal should entitle the French to claim later that the judges with their French President should have a voice in the general administration. The question of the inclusion of the Conseil sanitaire maritime must depend upon the decision that may be come to as to article 27 of the convention and 102 of the dahir.

*Article* 96.—If Spain accepts a French commandant of the military police it would be difficult for us to object, especially as the French police officers we have had here have been very good men. It is true that the police have not been a success, but that has been the fault of the system rather than of the officers.

In discussing the question of the command of the police, the French Legation have told me that they would have accepted an English commandant from the Egyptian service but would not accept a Spaniard, as they have no opinion of the military capacity of Spanish officers and no French officers would serve under them.

Independently, however, of the question of the command, I object to the form of the change in paragraph 1. All that was necessary was to omit the word "espagnol" in the fourth line of that paragraph and for the French and Spanish Governments to agree between themselves that a French officer should be in command. The new paragraph 1 maintains for the whole term of the convention the present police force, with its French and Spanish tabors, each with its own system of drill and independent of the other. Moreover, it provides that the whole present system must be maintained, and the numbers can neither be increased nor diminished. In all respects our original text is far preferable.

*Article* 102.—See my observations on article 27 of the convention.

*Article* 110.—This article replaces articles 110, 111, and 113 of the original draft, and must be read in conjunction with articles 22, 23, and 25 of the convention, in regard to which I have already made some remarks above.

The French Government object to the provisions of the original draft in regard to the internationalisation of the municipal services, on the grounds that it will be impossible for such a mixture of nationalities to work well, and that friction, misunderstandings, delays, and uneconomical expenditure must result. Unless, however, I am misinformed, in the various Government and municipal offices in Egypt a similar mixture of nationalities may be found without the disastrous results



feared by the French Government. It will, of course, be necessary that all candidates for posts should possess a good knowledge of French, and in practice that language would always be used. If for any special reason it should be considered necessary to have all the employés in any special department of the same nationality, that has been specially provided for, as in the case of the Public Works Department (article 25 of the convention) and also in article 23. On the other hand, I think some inconvenience will occur if the proposed modifications are adopted, for then we may expect to see in the various posts, Frenchmen, Englishmen, and Spaniards, with no knowledge of any language but their own, whilst the correspondence and archives in each department will be in a different language. The matter therefore reduces itself to a choice between two evils, and when one throws into the scales the question of internationalisation and one's experience of the manner in which subordinate French officials endeavour to favour their nationals, the balance appear to me to be strongly in favour of the original draft, even putting aside the question of the acceptance by the German and other Governments which the French may find to be not so simple a matter as they anticipate. If we accept the French proposals, would we not be morally bound to urge their acceptance on Spain, Germany, and other Powers, even though we ourselves regard them as objectionable.

Passing to the details of the French scheme, it will be observed that they have abolished the, to my mind very desirable, system of "concours" for the selection of candidates for the various posts. M. Dupeyrat himself told me that they were so pestered by applicants for employment and the pressure brought to bear on them was sometimes so great that they frequently had to pass over good candidates to appoint men less qualified for the duties, and yet they now proposed to give the "chef de département" a free hand to appoint anyone he may choose, for the Committee of Control would in practice find it difficult to oppose the appointment, when it will generally know nothing of the candidate, and in any case it could not well oppose any appointment supported by the "chef" unless it could put forward something definite against the candidate, such as a conviction.

Article 110, by the words "sous réserve des droits acquis par les agents actuellement en fonctions," practically provides that all existing employés shall be retained. It should be clearly understood that this can only apply to persons employed under contract in a Government department, and not to employés of the Commission d'Hygiène. This could be brought about in the correspondence and need not be introduced in the dahir.

The President of the International Tribunal and the heads of the Departments of Public Works and of the "Interior" are to be French, therefore, if the proposed modifications are adopted, we shall have an exclusively French personnel in three of the five departments in addition to the Frenchmen who will have to be retained in other departments owing to their "droits acquis." This will mean that the very large majority of the employés will be French.

*Article* 111.—I agree, as this will apply equally well if the system of "concours" is maintained.

*Article* 117.—I entirely differ from M. Dupeyrat as to the election of the cadi and nadir being contrary to the principles of the Mahommedan religion. If that were so, it is hardly likely that the Moorish notables would themselves have put forward the request that they should be allowed to elect these officials. The cadi and nadir should receive their appointment from the Sultan or his Khalifa, as was provided in our original draft; but there is no reason why they should not be elected by the Moors. All the Moorish notables who have spoken to me on the subject, after the publication of the outline of our agreement in the "Écho de Paris" expressed their great satisfaction at our having met their wishes on this point, and I have consulted an adel, well versed in religious law, who is somewhat of a fanatic, and he has assured me that there can be no objection whatever to the election of the cadi and nadir; he was strongly in favour of this system. Oddly enough, in the "Times" of the 26th ultimo, received last night, I see it is stated that the Turkish and Bulgarian Governments have settled the question of the appointment of the muftis by agreeing that they should be elected; in some ways the muftis are almost more important than the cadi, as they are the expounders of the religious law, and the cadis base their judgments on their expositions.

I observe that in the French text, though the system of selection and appointment they now propose is that agreed upon in London on the 3rd February (print of 3rd February, section 1), the important provision at that time agreed upon that the cadi and nadir should exercise their functions under the supervision of the Com-

mittee of Control has been omitted. This was not considered so necessary when these officials were to be elected, but if they are to be selected by the Khalifa, it should be maintained.*

If it is decided to appoint a "kaïd," as suggested by me in my private letter to M. Dupeyrat and in my despatch No. 214 of the 28th July (print 5th August, section 3), it is here that provision should be made for it. It should, however, be clearly stated that the official should not exercise any judicial or magisterial functions or have any power of punishment. He would appoint the headmen of the villages, who also would have no power of punishment, that being entirely reserved to the International Tribunal. My object in making the suggestion was to facilitate the amicable settlement of claims and complaints, without the necessity of referring every little question to the International Tribunal. In practice most questions are settled amicably by consular or other authorities, and it would be found convenient if there were some Moorish official to whom one could apply in cases of claims or complaints against Moors; but rather than see the present system perpetuated of basha and other Moorish officials exercising jurisdiction over the natives, it would be better to drop the proposal. The "kaïd" I had proposed was to be elected by the Moors and exercise his functions under the supervision of the Committee of Control, whereas the Moorish officials provided for in the new French text would be under the Department of the Interior, which would enormously increase French predominance. It was partly to exclude the Department of the Interior from "administering" the Moors that I made the proposal.

*Article* 118.—The above remarks apply to this article. We should retain the original article 120.

*Article* 126.—This article, with the proposed exchange of notes, appears to me to solve the difficulty in a very satisfactory manner.

3. *Judicial Decree.*

I agree.

*Tangier, October* 1, 1913.

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[46175] No. 96.

*Mr. White to Sir Edward Grey.*—(*Received October* 11.)

(No. 287.)

Sir, *Tangier, October* 2, 1913.

THE Netherlands Agent and consul-general informed me to-day that when he arrived at Tangier to take up his post, the Chargé d'Affaires had informed Sid Guebbas of the time at which he would land, in accordance with the custom, but that Sid Guebbas had neither come himself to meet him, as was always done on the arrival of new Ministers, nor had he sent anyone to welcome him. When a few days later he paid his official visit on Sid Guebbas, his Excellency observed that, as it was Ramadan, he hoped he would be excused if the return visit was delayed. Thinking it was a question of a few days only, he had made no objection. The whole of the month of Ramadan passed, however, and most of the succeeding month, and still Sid Guebbas showed no signs of calling, and it was only after M. Advocaat had spoken to the French Chargé d'Affaires that his Excellency at last returned his official call this morning, nearly two months having elapsed.

M. Advocaat seemed considerably annoyed at the want of courtesy shown towards him in his official capacity by the Sultan's representative, and, though he thought the very long delay was probably attributable to a lapse of memory, he evidently considered that some delay was intended, and that the French Legation was not unconnected with the matter, the desire being to make a marked distinction from the procedure hitherto followed on the occasion of the arrival of new Ministers, their policy being to reduce the position of the foreign representatives at Tangier as far as possible.

M. Advocaat told me that he had given Sid Guebbas a cold reception, and when

* The objection of the French Government might be overcome by making it clearer that the Khalifa will appoint the cadi and nadir. This could be done by inserting the first paragraph of the French draft, article 117, before the first paragraph of the original article 119.



his Excellency somewhat pointedly addressed him as M. le consul général, he reminded him that he was a diplomatic agent.

I have, &c.
HERBERT E. WHITE.

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[46177] No. 97.

*Mr. White to Sir Edward Grey.*—(*Received October* 11.)

(No. 289.)

Sir, *Tangier, October* 3, 1913.

WITH reference to my despatch No. 281 of the 28th ultimo, transmitting two dahirs regarding the administration of Habous properties in the French zone, I have the honour to enclose herewith copy of a despatch from the acting-consul at Fez, reporting that excitement has been caused at that place by orders issued from Rabat which are considered to infringe the rights of holders of such properties.

I beg leave to transmit herewith the article in the "Bulletin officiel," to which Mr. Elphick refers. It explains the nature of the Habous; the objects for which it was founded; the abuses which have arisen; and the measures adopted by the Makhzen to introduce the reforms they consider necessary.

The French will find the Habous question a very thorny one, as it touches the interests of a large proportion of the native population as well as of the foreigners.

I have, &c.
HERBERT E. WHITE.

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Enclosure 1 in No. 97.

*Acting Consul Elphick to Mr. White.*

(No. 93.)

Sir, *Fez, September* 26, 1913.

MUCH excitement has been caused here lately amongst the native population by orders from the Minister of Habous at Rabat, to the effect that, prior to the authorisation of the sale of properties paying rental to the Habous, the documents must be submitted to the Commission for the Revision of Mosque Properties at Rabat.

These instructions were, in the first instance, misconstrued by the townspeople to mean that the sale of such properties had been totally prohibited, and even now, in spite of the efforts of the "Bureau des Renseignements" to reassure them, they still entertain considerable suspicions as to the intentions of the authorities, as they hold that their documents could be examined equally well here at Fez by the cadi and nadirs. It is obvious, however, that such measures would be inefficient, as no effective control could be exercised over the the local native authorities in the revision of the documents in question. Moreover, it is held that these same authorities have been amongst the chief offenders in the matter of the misappropriation and mismanagement of the properties under their control.

The arguments of the French authorities on this matter are set forth in an article appearing on p. 353 of the "Bulletin officiel," of the 5th September, 1913.

Recently a Spanish protégé wished to sell a property on which the tax known as "j'za" is payable to the Habous. His documents were found to be in order, but in consequence of the instructions referred to he was required to submit them to Rabat before authorisation of the sale. The Spanish consul, however, contested the legality of the placing of this obstacle in the way of the immediate sale of the property, on the ground that the "j'za" is merely in the nature of a tax payable to the Habous on a private property, and that so long as the Habous received payment of that tax, they had no right to interfere in the sale or transfer of the property on which it was payable.

Four cadis and two ulema met at the "Bureau des Renseignements" at the request of this latter and the Spanish consul, in order to pronounce an opinion on the matter. They stated that no obstacle could legally be raised to the immediate sale of the property in question, and, in the circumstances, the sale was eventually allowed to proceed, and the matter reported to Rabat by the bureau.

Very considerable agitation has also been caused locally by the news of the intention of the Habous authorities to demand an increase in the amount of rent payable to the foundation in question on shops and other premises, the proprietors of which possess the right of "meftah."

A factor which contributed very largely to the effervescence caused by this news, and the distrust with which these measures generally are universally regarded amongst the native population, was the fact that Cid Hmed Jai, the Minister of Habous at Rabat, who held a considerable amount of property of the description affected, sent private instructions to a relative at Fez to sell it all without delay. Immediately after this sale had taken place, the orders referred to were made public.

Large numbers of the townspeople presented themselves at the "Bureau des Renseignements" to complain against these measures, which they held to be illegal and subversive of long-established custom. Three notables whom they chose to represent them addressed a letter to the Resident-General setting forth their complaints, and asking to be informed as to the intentions of the Protectorate Government in causing these instructions to be issued. They added that the immediate result thereof had been to bring down the market value of all premises upon which the holder held a right of "meftah," and to bring the sale of this right to a practical standstill. They stated that the possession of the right of "meftah" on mosque properties by local merchants was considered both by natives and by foreign firms as a guarantee of their solvency and ability to meet their engagements, and that therefore any measure which caused a fall in the market value of such guarantees prejudiced the interests of natives and foreigners alike.

This letter was transmitted to General Lyautey by the "Bureau des Renseignements," to whom the Resident-General has now replied, urging them to endeavour to calm the apprehensions of the population, and stating that a "règlement" will shortly appear which will elucidate the matter and show that those possessing genuine rights have no cause for alarm.

Native opinion is still, however, far from calmed by these assurances, and the representative Commission above referred to have drawn up a letter—translation of which I beg leave to transmit herewith—which I am told is to be signed by over 700 townspeople and presented to General Lyautey. It is expected that the Resident-General will come up to Fez shortly, but, should this prove not to be the case, the Commission intend waiting upon him at Rabat or elsewhere in order to present this protest to him personally.

This letter states that by long-established custom the amounts payable to the Habous on account of the "asl," "j'za," and "istijar" are fixed, and that the holder of property on which these dues are payable has the right to dispose thereof as he sees fit, and that the same right exists as regards the disposal of the right of "meftah."

The only augmentation in the dues payable to the Habous to which the Fasi's are willing to consent is one in proportion to the depreciation of the currency since these dues were originally fixed, in the same way as was done on a former occasion. Should any increase, other than this, be demanded, they state that they will shut up their shops, and that nothing will induce them to pay except actual force.

These statements are doubtless exaggerated, and due to the excitement of the moment, but they go to show that a very considerable adverse impression has been caused by the decisions already made known, and that any measures directed towards the revision and better direction of Habous properties, must cause much stir and meet with considerable opposition.

One of the arguments adduced by the people of Fez in this present instance against the increase of Habous dues is that the actual enhanced value of the "meftah" is due to the efforts of the holders of the premises themselves, and to the business activity of the Fez merchants, who have established relations with foreign firms, and that it is only right that they should reap the benefits of their exertions, in which the Habous has taken no part.

Natives state that only in two quarters of the town—the Attareen and the Kaisaria—has the value of the "meftah" greatly risen of years, and that in some portions of the town the holders of the "Meftah" are compelled to let their premises for less than the amount they have to pay to the Habous on account of "asl."

The general French contention in support of the proposed increase, is that the dues paid on account of "asl" are often insufficient even to cover the cost of the necessary structural repairs.

I beg leave to transmit herewith a note on the different Arabic terms mentioned in this despatch.

I have, &c.
C. D. ELPHICK.

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Enclosure 2 in No. 97.

*Letter addressed to Resident-General.*

(Translation.)

THE undersigned, all of whom are notables, shorfa and merchants of this town of Fez, declare that they have witnessed and heard from their fathers and grandfathers and those of their generation, and that their fathers heard from their fathers and grandfathers and those of their generation also, that the "j'za" and the "istijar" and the "asl" and the "gelsa" on shops and other places are in the nature of rents payable on perpetual and interminable leases, and that these rents cannot be either increased or diminished, and that the former increase thereon was merely an augmentation in proportion to the depreciation of the currency at that date—since, when the dollar fell from 17 to 140 ounces [*sic*], the nadir requested the payment of the said proportional increase on the rent.

They also certify that places upon which there are "j'za," "istijar," or "zina" (the latter of which is known also as "meftah," "ghabta," or "aorf") are bought and sold, bequeathed and inherited, and left as family legacies; it merely being stated in the document what sum is payable in accordance with the perpetual amount due stipulated.

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Enclosure 3 in No. 97.

*Notes on Arabic terms employed in Fez Despatch No. 93 of September 26, 1913.*

THE "asl" of a mosque property comprises the walls and the roof. These belong to the Habous, upon whom the necessary repairs thereto are incumbent. Originally the Habous rented such structures to a tenant on a perpetual and irrevocable lease for a fixed annual amount, known as the "asl." The tenant then proceeded to add doors, windows, fittings, &c., thereto at his own expense. These additions, which are known as "meftah," "zina," "ghebta," of "aorf," were thus considered his own property, and it has been the custom for time out of mind for the proprietor to dispose thereof as he wished. The only stipulation being that the "asl" should be regularly paid, irrespective of whether the premises were occupied or not.

The "gelsa" was originally a right acquired by a person to occupy the "asl" of a mosque property, by virtue of his having found the premises vacant and established himself thereon, and having been left there undisturbed for a considerable period. It was legally decided long ago that a person having so installed himself had acquired to himself the right of "gelsa," and that, upon payment of a certain fixed and perpetual rent to the Habous, he could not be removed from the premises. Should a person possessing the right of "gelsa" rent this right to a third party, two-thirds of the rent payable by this latter was due to the Habous.

"Gelsa" is practically extinct now at Fez, owing either to the right having been bequeathed back to the Habous, or having been sold by the original holder, upon which it became, of course, of the same nature as "asl."

The terms "j'za" and "istijar" are nowadays practically synonymous. The origins of these taxes appear to have been forgotten, but apparently they must either have been rents payable on interminable leases or in the nature of urban taxes. In either case the amount payable annually was permanently fixed.

Some authorities maintain that the "j'za" was originally a tax paid to the Habous authorities on account of aqueducts or waterways passing through a property, it being the Habous who were encharged with keeping such waterways in repair. This view is supported by the fact that when the tax payable figures as "j'za" on the Habous registers it is practically always found that water runs through that particular property.

Be that as it may, it has always been considered legal for the proprietor of lands upon which these dues were payable to dispose thereof by sale, gift, or legacy, as he wished, with the sole restriction that the amount due to the Habous be regularly paid.

C. D. E.

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Enclosure 4 in No. 97.

*Extract from the "Bulletin officiel" of September 5, 1913.*

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NOTE SUR LES HABOUS.

LE plus grand désordre a toujours régné, au Maroc, dans les questions immobilières. Il se faisait sentir surtout depuis quelques années et allait en augmentant avec l'importance croissante des acquisitions de terrains par les étrangers. La nécessité d'y remédier s'imposa dès le début du protectorat, et nulle part elle n'eut un caractère plus urgent qu'en ce qui concerne les habous.

On sait que cette institution a un caractère essentiellement religieux, et que les biens constitués en habous en faveur d'une œuvre pieuse ou d'intérêt public sont en principe inaliénables et imprescriptibles. Il existe des habous de deux sortes : publics et privés. Les premiers sont ceux qui ont été affectés en toute propriété à une fondation publique ; les seconds, ceux dont la jouissance est attribuée aux héritiers directs du fondateur et qui tombent dans le domaine des habous publics après l'extinction de la descendance directe du constituant.

Ces habous, qui étaient, et qui sont encore, très nombreux au Maroc, sont gérés par des nadirs nommés dans chaque ville par le Sultan. Bien administrés ils eussent suffi largement à alimenter les budgets du culte, de la justice, de l'enseignement musulman et d'un grand nombre d'œuvres de bienfaisance et d'assistance publique. Mais la gestion a été des plus désastreuses. Des nadirs infidèles se sont approprié une partie des biens confiés à leur garde ; ils en ont vendu d'autres ou ont consenti des baux à longue terme, incompatibles avec la législation musulmane, ou même à la "vente de la clef," c'est-à-dire à des baux à perpétuité.

Les loyers, basés sur la valeur primitive des immeubles et ne tenant aucun compte de la plus-value qu'ils ont acquis, sont le plus souvent dérisoires. A l'heure actuelle, certains locataires de bien habous tirent de leurs sous-locataires dix fois le montant du loyer qu'ils payent eux-mêmes ; d'autres, sous prétexte de travaux de construction ou de réparation effectués sur des immeubles habous, qu'ils détiennent en vertu du droit de clefs, ont oublié depuis si longtemps d'en acquitter le loyer qu'ils s'en considèrent comme les propriétaires légitimes.

Il en résulte que beaucoup de habous ont disparu, que ceux qui restent et qui pourraient être encore une source de revenus considérables, ne rapportent presque rien et que bon nombre des œuvres auxquelles ils étaient consacrés ont dû être abandonnées. Aussi, parmi les plus urgentes, celle des habous s'imposait-elle en première ligne à l'attention du protectorat. Il était cependant nécessaire de ne procéder qu'avec une extrême prudence et de s'inspirer strictement du droit légal et coutumier en la matière, faute de quoi toute réorganisation eût apparu aux des indigènes comme une atteinte à leurs traditions religieuses et les éléments hostiles à notre protectorat n'eussent pas manqué d'exploiter nos réformes contre nous, en les dénonçant comme une mainmise sur les biens sacrés de la communauté musulmane.

La première mesure fut la création au sein du Makhzen d'une Direction générale des Habous chargée de centraliser les fondations pieuses et d'assurer leur répartition équitable entre les œuvres auxquelles ils sont destinés. En même temps, au Secrétariat général du Gouvernement chérifien, il fut créé un bureau spécial chargé du contrôle de l'administration des habous.

Puis, le 18 doul hidja, 1330 (28 novembre, 1912), le Sultan prit un dahir interdisant toute nouvelle aliénation de biens habous précédemment détournés par voie d'échange ou autrement, jusqu'à ce que l'Administration centrale eût examiné chaque cas en particulier. Un nouveau dahir chérifien, en date du 1er moharrem, 1331 (11 décembre, 1912), prescrivit la constitution, dans chaque ville, d'une commission chargée de procéder a la reconnaissance et à l'évaluation des immeubles habous.

Ces opérations sont terminées et Sa Majesté le Sultan a rendu un dahir sur la réorganisation du régime des habous, dont nous pouvons dès à présent indiquer les grandes lignes et qui sera promulgué à bref délai.

La mise en valeur des habous se fera par la voie d'adjudication aux enchères publiques. Des locations d'un ou deux ans seront consenties pour les immeubles bâtis ; les terrains non bâtis seront loués pour une durée de dix ans, renouvelables pour une période égale si des dépenses équivalant à cinq années de loyer ont été engagées, avec augmentation du cinquième du loyer pour chaque nouvelle période. Des



échanges sont en outre prévus pour les immeubles extra-urbains. Enfin, les biens grevés du droit de clef feront l'objet de transactions amiables en vue de la fixation de la redevance équitable à servir aux habous. Les biens de cette nature détenus par des ressortissants étrangers, et au sujet desquels il ne sera pas possible d'arriver à une entente, seront soumis à la revision prévue par l'article 63 de l'Acte d'Algésiras.

Cette réorganisation présentera l'avantage d'être absolument conforme aux lois et coutumes qu'il importait de respecter, d'assurer le maximum de revenus pour les œuvres auxquelles les habous sont destinés et, par là, de nous concilier l'opinion indigène, de dégrever d'autant le budget général du protectorat, de mettre en valeur des terrains improductifs et surtout, enfin, de mettre un terme aux abus scandaleux auxquels la gestion des habous avait donné lieu.

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[46179] No. 98.

*Mr. White to Sir Edward Grey.—(Received October 11.)*

(No. 291.)

*Tangier, October 4, 1913.*

Sir,

THE Paris "Journal officiel" of the 9th ultimo published a presidential decree regarding the new judicial organisation in the protectorate, abolishing the French Consular Courts from the date on which the Shereefian dahir establishing the new French tribunals comes into operation. The judges of the new tribunals are to be French, and will be appointed by the President of the Republic.

Following this decree is a "Dahir relatif à l'Organisation judiciaire du Protectorat français du Maroc," dated Marakesh the 12th August, 1912, and countersigned by General Lyautey at Rabat the 30th August "pour promulgation et mise à exécution." This dahir was probably inserted in the "Bulletin officiel" of the 12th September, which, however, has not yet been received at Tangier, though those of the two subsequent weeks have been duly received. It is possible that the "Bulletin" of the 12th ultimo has been kept back from publication until the newly appointed judges have arrived.

The dahir is divided into three chapters, the first dealing with jurisdiction and general rules of competence, the second with the composition of the tribunals, and the third with the execution of judgments.

The tribunals created are—

1. "Tribunaux de paix";
2. "Tribunaux de première instance"; and a
3. "Cour d'Appel."

These tribunals, in addition to their jurisdiction over French citizens and protégés, are given jurisdiction—

1. In all civil and criminal cases in which Frenchmen are concerned.
2. In cases regarding real property in which all parties are French, when the Court must sit with two Moorish assessors.
3. Though not competent in questions of personal status of the Mussulman or Jewish Moorish subjects, they can decide any such questions that may arise during the hearing of any case.
4. In all criminal cases in which French or foreign subjects or protégés are the injured parties or in which Frenchman are implicated as principals or accessories.
5. In cases of the nature of contempt of Court, or offences against officers of the Court in the execution of their duty, perjury, or subornation of witnesses.
6. In actions by or against the public administrations, with the proviso that they can make no order that would interfere with the public service.

Their jurisdiction will extend over subjects of Powers which have no Consular Courts in Morocco, and also over those of the Powers that now have such Courts after their abolition.

The "Tribunaux de paix" are assimilated, as to the extent of their jurisdiction, to the similar tribunals in France and to the "Tribunaux correctionnels" and "Tribunaux administratifs." They will also be competent in cases of "délits," for which the penalty is a fine or imprisonment not exceeding two years, except in cases of "abus de confiance" and bankruptcy.

The "Tribunaux de première instance" have jurisdiction in all other criminal cases, but must sit with assessors in certain cases.

There is an appeal to the "Cour de Cassation."

Criminal assizes will be held at dates to be fixed by "arrêtés" of the Resident-General.

The Court of Appeal will sit at Rabat, and will comprise a "premier président," three "conseillers," and a procureur général, with a substitute if necessary. This Court can be divided into sections.

There will be a "Tribunal de première instance" at Casablanca, consisting of a president, three judges, two "juges suppléants," and a "procureur commissaire," and and another at Oujda, where there will be one judge and one "suppléant" less.

"Tribunaux de paix," are instituted at Rabat, Casablanca, Oujda, Saffi, and Fez, and provision is made for their institution at other places as may be required. They will consist of one judge, one or more salaried "juges suppléants," and one or more of such judges unpaid, with a police official acting as procureur. The judges are to be selected from amongst the magistrates in France, Algeria, and Tunis.

The "Journal officiel" also contains a presidential decree appointing the various judges, &c. The "premier président" is M. Berge, a "conseiller" at the Paris Court of Appeal, and formerly president of the mixed tribunal at Tunis. From my knowledge of M. Berge, who was M. Dupeyrat's judicial adviser at Madrid, I am convinced that the choice is an excellent one, as he is a man of open mind and large views, and will be absolutely impartial. I had hoped to see him president of the International Tribunal at Tangier.

The "Journal officiel" also contains the report of the commission which framed the Shereefian dahir and the covering letter to the president.

These documents refer to the various codes that have been drawn up, shortly explaining their general lines and stating the considerations that have guided their authors.

The codes referred to, which are in the form of dahirs, are the following:—

*A Penal Code.*—Based on that of France, but with a provision for Moorish or foreign assessors in cases where the defendants are Moors or foreigners.

*A Code of Criminal Procedure*, which follows the French code with the addition of rules regarding assessors, borrowed from the Tunisian Code.

*A Code regarding Civil Status.*—An entirely original work drafted by Professor Geouffre de Lapredelle, who has taken the International Convention of The Hague as his guide.

*A Code of Obligations and Contracts.*—Founded on that of Tunis, but in a shorter form. It is stated to be in harmony with the laws of foreign countries. The Tunisian law, which is an adaptation of Roman law, was approved by the professors of the Grand Mosque of Tunis, and is therefore not in conflict with Mussulman law.

*A Commercial Code.*—This is an adaptation of French commercial law, with the omission of the portion dealing with maritime commerce, regarding which a law will be drafted later; it was not considered pressing, as in most cases that arise the *lex loci contractus* has to be applied. As regards the laws of transport, the code is largely based on the laws of other countries. The code provides for registers of commerce as established by German and Swiss law.

*A Code of Civil Procedure.*—The principal objects the commission had before them in drafting this code were simplicity and economy, as it was felt that in a country where people were accustomed to the simple procedure of Consular Courts, it would be a hardship to impose on them the complicated French procedure entailing the payment of fees to numbers of people whose services may be dispensed with. An engagement had also been given in the Franco-German Agreement to "instituer un régime judiciaire, nouveau et moderne, qui doit s'inspirer des règles générales de législation des Puissances intéressées," and there would be more probability of other Powers consenting to abolish their Consular Courts if the Code of Civil Procedure were of a nature to be acceptable to them. The code adopted follows the lines of those of the French administrative tribunals, like that of Tunis, which has given great satisfaction in working.

*A Code regarding Proceedings* in formâ pauperis.—Adopted from that of France.

*A Code of Judicial and Notarial Fees.*—Based on the the tables of consular fees.

I have, &c.

HERBERT E. WHITE.

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[46679] No. 99.

*Mr. White to Sir Edward Grey.*—(*Received October* 14.)

(No. 294.)

Sir, *Tangier, October* 8, 1913.

ADVANTAGE is being taken of the visit of M. Poincaré to Madrid to endeavour to promote a Franco-Spanish understanding at Tangier. A great change has come over Franco-Spanish relations here lately. Whereas formerly the feeling between them was very bitter and the newspapers of each nationality made violent attacks on each other, a great effort has been made for some little time past, especially on the French side, to heal old sores and to create a feeling of friendship between the two colonies.

The Comité consultatif français gave a *champagne d'honneur* to the Spanish Chamber of Commerce on the 6th instant, which was attended by the French consul and others. A number of speeches were made, the dominant note of which of course was Franco-Spanish friendship and co-operation in Morocco, at Tangier as well as in the other zones. I beg leave to transmit herewith copy of the speech made by M. Filippi,* the French consul, who is president of the Commission d'Hygiène, a post which, by an arrangement between the two colonies, is held alternately by himself and his Spanish colleague.

It appears as if the French desire to take advantage of the offer, which M. Dupeyrat told me was made to him by M. Hontoria, to carry on in the municipality the system now existing in the Commission d'Hygiène, whereby, through an agreement between the French and Spanish members, they carry through any measure they like.

On the other hand, I cannot think that it will be possible to obliterate entirely Franco-Spanish jealousy at Tangier. France is determined to hold the predominant position, and Spain will not easily acquiesce in this or content herself with the empty concessions which France would be willing to make to her. M. Dupeyrat's policy, as he himself told me, was to give Spain concessions in form, which would satisfy her pride but be of no real value, but not to yield on points of real importance.

I have, &c.

HERBERT E. WHITE.

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[47145] No. 100.

*Sir F. Bertie to Sir Edward Grey.*—(*Received October* 17.)

(No. 509. Confidential.)

Sir, *Paris, October* 14, 1913.

I HAVE the honour to acquaint you, with reference to my despatches Nos. 501 and 504 of the 11th and 12th instant, that the Minister for Foreign Affairs sent for me yesterday afternoon for the purpose of giving me an account of the recent visit to Spain of the President of the Republic.

His Excellency said that the visit had been a great success, and that nothing could have been more cordial than the attitude of the King, the Spanish Ministers, and people. M. Pichon told me that His Majesty and the President of the Republic had been much touched by the despatch to Carthagena of H.M.S. "Invincible," which had afforded them an opportunity of addressing a joint telegram to the King, to express their thanks and appreciation, and which had created a very good impression, showing, as it did, the excellent relations between the three countries.

There had been, his Excellency said, an exchange of ideas between the President of the Republic and the French Minister for Foreign Affairs and the King of Spain and his Ministers, with the result that both M. Poincaré and M. Pichon were confident that, in the event of a European war, the Spanish Government would afford facilities to the French Government for the transfer through Spain of troops from Africa to France.

With regard to Morocco, M. Pichon said that it had been pointed out to the King and his Ministers that it would be a serious disadvantage to Spain, in the event of a European war, that so large a proportion of the Spanish army should be

* Not printed.

stationed as at present in Morocco, viz., 80,000 men out of a total army of 120,000, and that the situation of Spain in Morocco would be greatly relieved, and the number of troops at present required there could be much reduced, if the relations of the Spanish authorities with the Sultan of Morocco became more intimate. General Lyautey would be quite ready to place his services at the disposal of the Spanish Government for this purpose. Such a policy would, in the opinion of the French Government, result in a diminution of troubles in the Spanish zone.

M. Pichon expressed himself as not very hopeful as regards the question of Franco-Spanish commercial arrangements on account of the fears of French wine growers, but his Excellency thinks that it may be possible to find some means now of preparing the way for an improvement in the commercial arrangements between the two countries in the near future.

I have, &c.
FRANCIS BERTIE.

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[47333] No. 101.

*Mr. White to Sir Edward Grey.—(Received October 18.)*

(No. 297.)
Sir, *Tangier, October 10, 1913.*

WITH reference to my despatch No. 281 of the 28th ultimo in regard to the reforms the Makhzen desire to introduce in connection with Habous properties, I have the honour to report that the majority of the foreign representatives expressed their concurrence with the terms of my annotation on the doyen's circular communicating Sid Guebbas's letter on the subject. The French Chargé d'Affaires, in his annotation, confined himself to expressing the opinion that the necessary steps should be taken as soon as possible to remedy the abuses referred to by Sid Guebbas, and the Russian and Spanish Chargés d'Affaires agreed with him.

It was consequently decided that the doyen should address a letter to Sid Guebbas in the terms of my annotation, adding that the Diplomatic Body entirely shared his Excellency's opinion as to the necessity for putting a stop to the abuses to which he had alluded, and inviting his Excellency to suggest to the Shereefian Government that they should appoint a special commission, as provided by the Act of Algeciras.

I have, &c.
HERBERT E. WHITE.

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[47285] No. 102.

*Mr. White to Sir Edward Grey.—(Received October 18.)*

(No. 47.)
(Telegraphic.) *En clair.* *Tangier, October 17, 1913.*

IT is difficult to estimate even approximately the number of employés that will be required in the various administrations and *services rattachés* to be created. I therefore submit the following figures with the greatest diffidence, except those regarding existing services, which are accurate, but do not include Moors :—

In Public Works there are now, exclusive of French chiefs and Spanish assistant engineer, 38 employés, of whom 23 are French and 12 Spanish.

In Interior and services annexed, exclusive of men of civil police, firemen, &c., who, I presume, would not come under the arrangement, one may expect about 24 employés, of whom 18 would be French.

In the Tribunal, say, 16, of whom 12 French.

Putting employés in the two remaining administrations at 48, the French could obtain 12 posts.

In State Bank there are 44 employés, of whom 24 are French and 12 Spanish.

In the Contrôle de la Dette central office, 26, of whom 24 French. This office controls the services throughout Morocco. In addition, they have for Tangier, at custom-house, 20, of whom 15 French and 3 Algerian; for the domaine and mustafadat,



1 French and 1 Algerian; for the lighter service and customs stores, 15, of whom 9 French and 1 Algerian, and for port workshop, 11, of whom 8 French.

In the "Taxe urbaine" there are 2 employés, both French.

The Tobacco Monopoly have 79 employés, of whom 68 are French.

The veterinary surgeon and doctor of Sanitary Council are both Frenchmen.

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[47837] No. 103.

*Mr. White to Sir Edward Grey.—(Received October 21.)*

(No. 302.)
Sir, *Tangier, October 15, 1913.*

WITH reference to Mr. Norton's letter to Mr. Clerk of the 30th August last, I have the honour to report that I learn from Mr. Harris that the difficulties raised by the Spanish group in the Société internationale pour le Développement de Tanger have been overcome by an agreement to allot to them an extra director. The original arrangement providing for one director for each 10 per cent. of capital would have resulted in three French, two Spanish, two British, and two German directors, who, with the director allotted to the mixed group, would have made a board of ten. Now the Spaniards, though still only holding 20 per cent. of the capital, will, like France, have three directors on a board of eleven. France and Spain will between them thus have six directors, who will be in a position to outvote their colleagues on the board. Mr. Harris, however, informed me that the arrangement was unanimously accepted, no importance being attributed to the matter even by the directors who represented the British, German, and other groups.

I have recently heard from M. Porché, who is at present on leave, that he has been engaged in the question of the port, the Compagnie internationale de Travaux publics having submitted to him their proposal for the terms of the concession. He considered the terms not sufficiently favourable to Tangier, and was preparing a counter-proposal to submit to the company. He then would discuss the matter with them, and hoped that an agreement would be come to shortly.

M. Porché does not explain how he comes to be discussing the terms of concession with the company, but I gather it is under instructions from the French Government. Any agreement he may come to with the company cannot, of course, bind the Powers; therefore it is perhaps as well that he should have undertaken the work, for he is competent in such matters, having had experience in drawing up harbour contracts in Tunis, and he certainly is keen on securing means of existence for Tangier, whose prosperity he has at heart.

I have, &c.
HERBERT E. WHITE.

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[47868] No. 104.

*Memorandum communicated by French Embassy, October 21, 1913.*

PAR sa note du 2 courant, le Secrétaire d'État des Affaires Étrangères avait bien voulu faire savoir à l'Ambassadeur de France que le Gouvernement britannique, dans le désir de ne pas entraver la tâche de la France et de l'Espagne au Maroc, renonçait à présenter des critiques détaillées sur l'ensemble du Règlement minier marocain et se contentait de formuler une réserve au sujet de la procédure d'expropriation réglée par l'article 42 dudit règlement.

Le Gouvernement de la république remercie le Gouvernement de Sa Majesté des sentiments amicaux qu'il veut bien lui témoigner et prend acte de la déclaration concernant l'ensemble du règlement.

En ce qui concerne la réserve britannique visant l'article 42, le Gouvernement français avait espéré qu'à l'exemple de l'Allemagne et pour faciliter la prompte mise en vigueur du Règlement minier, la Grande-Bretagne accepterait dès maintenant, pour le cas très spécial de l'article 42, une procédure qui offre les plus sérieuses garanties. Cependant, et bien qu'il ne puisse se prêter à la discussion de son pouvoir réglementaire dans sa zone d'influence au Maroc, il est disposé à reconnaître que la procédure d'expropriation prévue par les articles 116 à 119 de l'Acte d'Algésiras ne prendra fin, au regard des nationaux et protégés de la Grande-Bretagne, qu'avec l'acceptation, par le Gouvernement de Sa Majesté, des tribunaux du protectorat.

Si donc le Gouvernement britannique le désire, il sera précisé, dans l'acte de notification officielle du Règlement minier, que, dans le cas prévu dans l'article 42, la procédure instituée par les articles 116 à 119 de l'Acte d'Algésiras restera, jusqu'à la reconnaissance des tribunaux français du protectorat, à la disposition des parties qui, y ayant droit, en feront la demande.

L'insertion des mots "y ayant droit" est nécessaire, parce que les ressortissants français doivent être dès maintenant soumis à la procédure de l'article 42 en qualité de justiciables des nouveaux tribunaux du protectorat, comme le seront successivement les ressortissants des autres Puissances quand celles-ci auront renoncé à leur privilège de juridiction.

Le Gouvernement français espère que, dans ces conditions, le Gouvernement britannique donnera sa pleine approbation au Règlement minier marocain.

*Ambassade de France, Londres,*
*le 20 octobre*, 1913.

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[45248] No. 105.

*Sir Edward Grey to M. de Fleuriau.*

Sir, *Foreign Office, October* 21, 1913.

IN the note from M. Cambon of the 3rd instant, his Excellency was good enough to transmit to me the text of certain presidential decrees and Shereefian dahirs instituting a new judicial organisation in the Shereefian Empire, and to request that His Majesty's Government would place British subjects in Morocco under the jurisdiction of the new tribunals.

I have the honour to inform you that these documents will be submitted to careful examination by His Majesty's Government, and will be considered together with the analogous questions arising in connection with the proposed abolition of the Capitulations in Egypt.

I have, &c.
E. GREY.

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[47868] No. 106.

*Foreign Office to Board of Trade.*

(Confidential.)

Sir, *Foreign Office, October* 24, 1913.

WITH reference to your letter of the 25th ultimo, I am directed by Secretary Sir E. Grey to transmit to you herewith a copy of a memorandum which has been received from the French Embassy* in reply to the note addressed to M. de Fleuriau, on the 2nd instant, on the subject of the revised Mining Regulations for Morocco. A copy of that note is also enclosed herein.†

In order to meet the reservations formulated by His Majesty's Government in regard to the right of expropriation conferred upon the French and Spanish authorities respectively under article 42 of the revised regulations, the French Government now state that they are ready to insert in the official instrument promulgating the regulations in the French zone a clause to the effect that the procedure as to expropriation laid down in articles 116–119 of the Algeciras Act may be invoked by nationals of countries whose Governments have not recognised the jurisdiction of the new French tribunals, until such recognition shall have been accorded.

It appears to Sir E. Grey that, if and when His Majesty's Government shall have recognised the judicial system recently established in the French protectorate, it will be difficult for them to insist on the observance of articles 116–119 of the Algeciras Act in the present connection and to refuse to accept the proposal now put forward by the French Government. He would, however, be glad to learn whether the Board of Trade concur in this view before any further communication is addressed to the French Government in the matter.

I am to add that some considerable time may elapse before His Majesty's

* No. 104. † No. 83.



Government are in a position to recognise the jurisdiction of the French tribunals in Morocco, as the question is bound up with that of the abolition of the Capitulations in Egypt.

I am, &c.
EYRE A. CROWE.

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[48537] No. 107.

*Consul MacLeod to Sir Edward Grey.—(Received October* 25.)

(No. 2. Confidential.)

Sir, *Fez, October* 13, 1913.

A NUMBER of members of the French Chamber of Deputies have these days been visiting Fez, notably M. Doumer, formerly Governor of Indo-China, and M. Maurice Long, reporter of the Parliamentary Commission on Foreign Affairs.

M. Long, in two conversations which I had with him, spoke much on the question of whether Fez or Rabat should be the capital of the French zone in Morocco. He remarked that all he had seen here confirmed his Commission's view that the capital should be fixed—eventually, at any rate—at Fez. Fez, he observed, was the place where the French would be most in touch with all sections of the Moorish population, and be most likely to gain their sympathy and support.

Only, for instance, at Fez was there a native population considerable enough in numbers and standing to warrant hope of influencing the upper classes of Moors by means of schools, colleges and newspapers. It was too much to expect the Fez families to quit their houses and lands, either for official or educational purposes, and establish themselves at Rabat, and the consequence of making Rabat the capital would in all likelihood be that the upper classes of Moors would incline to live at Fez aloof from the French, and the latter remain in semi-isolation at Rabat. The issue seemed to be largely that of discontenting a certain number of French functionaries, who could easily be replaced, should they decline to serve at Fez, or discontenting large numbers and classes of Moors, for whose goodwill no substitute could be found.

For the creation of a proper seat of Government the physical conditions as to space available, water, soil, roads, &c., of Fez were beyond question infinitely superior to those of Rabat.

For strategic reasons, as, for instance, the best hold on the country, and the strong link with Algeria in the event of a European war, there was no comparison between Fez and Rabat.

As regards climate, Fez—during periods of east wind in summer—was undoubtedly hot; but, in winter, Fez was colder and more bracing than any of the coast places.

The Bujloud gardens of the palace at Fez would afford suitable sites for a Residence. It would be most important to prevent so fine an old city being spoilt by accretions of lower-class European erections, and this could be attained by assigning Government lands nearest the town, at nominal rentals for a short space of years, for the erection of wooden villas to accommodate officers and their families. The new commercial and industrial buildings, railway stations, European shops, stores, &c., could all be built a mile or two away from the town to the south and south-west.

M. Long observed, however, that he did not see how they could settle themselves at Fez until the Tangier–Fez railway was ready.

I remarked that, to me, the contrary seemed the safer plan. I thought they would do best to carry out their plans by degrees, using their military railway from Casablanca and Rabat (which will reach Fez in July next) while as yet the number of civilian Europeans at Fez was trifling, for, after the Tangier–Fez railway was made, a considerable influx of Europeans was to be expected.

M. Long went on to say that he had been agreeably surprised by what he had seen of the Fez people. They were much more intelligent and law-abiding than he had imagined, and he had been particularly struck with the Moslem municipality, about which he had heard rather derisory accounts. He had attended the latter's meeting on the 11th instant, and had been surprised at the shrewdness displayed. The municipality had then made one excellent suggestion, to which he would try to give effect, namely, to have the road from Fez to Rabat made direct from Bab Tewka to Sidi Gueddar and Lalla Ito to Kenitra, instead of viâ Dar-bel-Amri, as at present projected. From Sidi Gueddar a branch road could be made to Meshra-bel-Kesiri and

the French post of Arbawa (close to Alcazar). Were these two works effected, and if the Spaniards would at once make a road from Arbawa to Alcazar and Tangier, wheeled traffic for merchandise would become possible between Fez and Tangier and between Fez and Kenitra.

The advantages of this scheme would seem to be the cheapening and facilitation of transport between Fez, Kenitra, Alcazar and Tangier.

The port which might be prejudiced by it would be Laraiche, at present the main port for goods to Fez; but, of course, if the Spanish authorities made a branch road from Alcazar to Laraiche, or made the Alcazar–Tangier road to go through Laraiche, that objection might be much lessened.

As regards Kenitra, however, everything still continues to indicate its becoming the best port for Fez trade, alike from the quay frontage available and the possibility of river navigation (for tugs and barges) to Megroum, *i.e.*, within 60 miles of Fez.

From Megroum to Sidi Gueddar (on the road proposed by the Fez municipality) the distance is only some 6 miles of country over which it would be easy to make a good road.

For further particulars about Kenitra, I beg to refer to my despatch (Separate) of the 23rd June last.

I need hardly point out, moreover, that the Mequinez, as well as the Fez area would be served by Kenitra and these proposed roads.

I beg to enclose a sketch map to illustrate these observations.*

I have, &c.
J. M. MACLEOD.

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[48474] No. 108.

*Mr. White to Sir Edward Grey.—(Received October 25.)*

(No. 307.)

Sir, *Tangier, October* 17, 1913.

WITH reference to Mr. Kennard's despatch No. 165 of the 8th June last, I have the honour to report that the Grand Vizier returned to Tangier on the 14th instant from leave of absence, and was received with the usual ceremonies. His Excellency spent most of his time in France, but was also at Geneva, where some members of his family are at school, and paid a short visit to England.

Sid-el-Mokri informed me that he proposed to remain some little time at Tangier, and would then proceed to Fez without visiting Rabat, as he was not going to resume his duties as Grand Vizier and his resignation would take effect shortly.

There have been rumours of his Excellency's resignation for a long time past, and lately they have become more persistent, Mulai Mustafa, first Kadi of Marakesh, a brother-in-law of Mulai Abd-el-Aziz, being mentioned as his successor, Sid-el-Mokri is probably not sorry to retire from office as, notwithstanding the properties he has had to restore to the Makhzen, he has probably amassed a considerable fortune during his years of office, and he must realise that in future the post will not be so lucrative.

The French Chargé d'Affaires, in speaking to me of the matter, said that they would have got rid of Sid-el-Mokri some time ago had they known whom to appoint in his place. He did not know who would be selected for the post, but thought it might be Sid-el-Boukili, who has been acting as Grand Vizier. M. Martin was under the impression that Sid-el-Mokri would go to Rabat when the Sultan arrived there, and that his retirement would then take place.

I have, &c.
HERBERT E. WHITE.

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[48475] No. 109.

*Mr. White to Sir Edward Grey.—(Received October 25.)*

(No. 308.)

Sir, *Tangier, October* 17, 1913.

WITH reference to my despatch No. 292 of the 6th instant, I have the honour to transmit herewith copy of a Franco-Moorish convention, signed on the 25th ultimo by General Lyautey on behalf of the Sultan and by the French Ministers of Commerce

* Not printed.



and Foreign Affairs, in regard to Post Office, Telegraphs, and Telephones in the French zone.

By the terms of this convention the existing French post offices in the French zone are suppressed and the service is taken over by the Moorish Government, who take over the offices, material, &c., at a price to be fixed.

The Moorish Savings Bank will become a branch of that of France.

Postal officials will be supplied by France at double salary, and with allowances to compensate them for the high cost of living in Morocco. They will also retain their right to French pensions.

In return for these benefits the French Government will have the free use of the postal and telegraph service.

The French postal regulations will be applied, and the inland rates of postage at present in force at the French Government post offices for correspondence between Morocco and France, Algeria, and the French colonies will be maintained.

The telegraphic rates between the French zone and foreign countries will be fixed by agreement between the French Administration and the Moorish Government, but in any case it must not be fixed at a rate to compete with the French Government telegraphs.

Now that the Post Office is a Moorish Government service it appears to me that the question might be raised whether, under the most-favoured-nation clause in our treaty, we could not claim the same postal rates for correspondence with Great Britain as those for France. The question is not of so much importance so long as we maintain our post offices in the French zone, but the point will be worthy of consideration when the question of the abolition of our post offices arises; we might, perhaps, then make it a condition that there should be equality of postal rates, for a preference in such rates would tend to give France a considerable advantage in commerce.

I have, &c.
HERBERT E. WHITE.

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Enclosure in No. 109.

*Extract from the "Journal du Maroc" of October* 15 *and* 16, 1913.

CONVENTION ENTRE LA RÉPUBLIQUE FRANÇAISE ET L'EMPIRE MAROCAIN, RELATIVE À LA CRÉATION D'UN OFFICE DES POSTES, DES TÉLÉGRAPHES ET DES TÉLÉPHONES AU MAROC.

ARTICLE 1er.

LE Gouvernement marocain déclare vouloir se charger, à partir du 1er octobre, 1913, des services que l'Administration française des Postes et des Télégraphes exploite dans la zone française de l'Empire marocain.

ARTICLE 2.

Le Gouvernement français supprimera, à la date spécifiée ci-dessus, tous ses établissements de poste, de télégraphe et de téléphone dans cette zone, que le Gouvernement marocain prend charge de maintenir à son compte.

ARTICLE 3.

Le Gouvernement français remettra les locaux qu'il détient, dans la zone soumise à son influence, par des baux ou des conventions verbales dans lesquels le Gouvernement marocain aura à se faire substituer à lui.

ARTICLE 4.

Remise sera faite, également, au Gouvernement marocain, du matériel affecté aux services désignés à l'article 1er. Ce Gouvernement en remboursera le montant d'après les prix de la nomenclature française. Un inventaire sera établi, à cet effet, à la date du 1er octobre, 1913.

ARTICLE 5.

A partir du 1er octobre, 1913, l'Office marocain sera substitué à l'Administration française dans ses marchés pour le transport des dépêches par terre dans la zone française de l'Empire.

Le Gouvernement français accepte la Caisse d'Épargne marocaine comme succursale de la Caisse nationale d'Épargne de France.

Dans des conditions qui seront déterminées ultérieurement d'un commun accord, l'Administration française fera tout ce qui sera possible pour que l'Office marocain, en attendant l'entrée de ce dernier dans l'Union postale, profite de la participation de la France à la Convention postale universelle, aux divers arrangements de l'Union postale, ainsi qu'aux conventions postales particulières existant entre la France et certains pays étrangers.

ARTICLE 6.

Le Gouvernement français mettra à la disposition du Gouvernement marocain, après qu'ils auront été choisis d'un commun accord, les fonctionnaires et agents nécessaires à l'exploitation des nouveaux services. Il conservera toujours la faculté de rappeler ses agents en pourvoyant à leur remplacement.

En outre du personnel qui sera recruté dans l'Administration de France, l'Office marocain pourra créer un cadre local d'agents, qu'il recrutera et qu'il soldera directement.

L'Office marocain prendra à sa charge les indemnités de licenciement ou de suppression d'emploi qui pourraient être dues à des auxiliaires déjà employés au Maroc, par l'Administration de France.

Les agents appartenant aux cadres de l'Administration de France recevront une solide égale au double de leur traitement métropolitain, et les indemnités de résidence et de cherté de vie prévues par les arrêtés locaux que comportera le poste auquel ils seront affectés. Toutefois, les indemnités de résidence et de cherté de vie ne seront dues qu'à partir du jour de l'installation de l'agent dans les localités qui les comportent.

Ceux des agents de cadre métropolitain qui étaient installés au Maroc avant la publication de la présente convention, qui demanderont à être traités suivant les errements anciens recevront, en plus de leur traitement métropolitain, une indemnité de séjour variant, suivant leur grade, de 3,000 à 3,500 fr. par an. Ils n'auront pas droit, dans ce cas, aux indemnités locales de résidence ou de cherté de vie.

Le Gouvernement marocain assurera la solde des agents métropolitains à partir du jour où ils auront été mis à sa disposition en France et jusqu'au jour de leur réintégration dans les cadres de France. Cette réintégration aura lieu dès que les exigences du service de la métropole le permettront et que les agents qui en feront l'objet seront en état de remplir un emploi disponible. Toutefois, pour les agents valides, le délai à partir duquel leur traitement cessera d'être à la charge du Gouvernement marocain pour être payé par la métropole ne pourra excéder six mois.

Des frais de route et le passage à bord des paquebots seront alloués, par le Gouvernement marocain, aux agents nommés à un poste au Maroc ou réintégrés dans la métropole. A cet égard, les agents seront assimilés aux agents de même grade du Gouvernement marocain.

Les agents métropolitains exerceront leurs fonctions au Maroc en vertu de commissions qui leur seront délivrées par le Gouvernement marocain. La gestion des bureaux ou services comprenant des agents métropolitains sera confiée à ces fonctionnaires métropolitains.

Les chefs de service et autres agents supérieurs devront, sous réserve de droits actuellement acquis, être pris dans les cadres de l'Administration métropolitaine des Postes et des Télégraphes. Ils seront nommés par décret de Sa Majesté le Sultan sur la proposition et sous le contreseing du Président général de France.

Tous les autres agents seront nommés par le Directeur général des Finances, directeur de l'Office marocain.

Dans le cas où l'Office marocain cesserait d'être rattaché à la Direction générale des Finances, le directeur de l'Office devrait être pris dans les cadres de l'Administration française des Postes et des Télégraphes.

Les règlements généraux qui régissent le personnel en France et qui concernent la hiérarchie, la discipline et l'avancement, resteront applicables aux fonctionnaires ou agents détachés dans l'Empire. Ceux-ci ne cesseront pas de faire partie des cadres de



l'Administration de France. Ils seront assimilés aux agents de même grade du Gouvernement marocain au point de vue des congés de toute nature.

Des notes sur leur service seront régulièrement transmises tous les ans par le Gouvernement marocain au Gouvernement français.

Ces agents conserveront leurs droits à pension et verseront au Trésor français, en fin d'année, le montant des retenues effectuées à cet effet sur leur traitement de France majoré d'un tiers.

Cette retenue supplémentaire ne sera pas faite sur le traitement de ceux des agents qui auront été admis à bénéficier des dispositions adoptées avant la publication de la présente convention (article 6, 5e alinéa).

Si le Gouvernement de Sa Majesté le Sultan juge convenable de remettre à la disposition du Gouvernement français un ou plusieurs agents du cadre métropolitain, il devra en indiquer les motifs.

Au cas où, parmi ces motifs, il s'en trouve qui rendent l'agent passible d'une mesure disciplinaire, le Conseil de Discipline devra être saisi, et la sanction devra être prononcée avant le renvoi de l'agent dans la métropole.

Le nombre d'agents remis à la disposition du Gouvernement français, le cas de mesure disciplinaire excepté, ne pourra dépasser chaque année un dixième de l'effectif total; cette proposition sera réduite au vingtième à partir du jour où l'effectif aura atteint quarante unités.

ARTICLE 7.

Le Gouvernement marocain, en retour de ces facilités, s'oblige à admettre en exemption de taxe toutes les correspondances postales et télégraphiques qui lui seront indiquées par le Gouvernement français, comme jouissant de la franchise.

Lorsque les militaires et marins en service au Maroc cesseront de bénéficier, au point de vue postal, des dispositions des lois du 30 mai, 1871, et du 16 avril, 1895, ils bénéficieront des avantages concédés par la loi du 29 décembre, 1900, ou par tous autres actes qui viendraient à lui être substitués.

Le Gouvernement marocain s'engage à appliquer les règlements postaux de l'Administration française. Dans ses rapports avec la France, l'Algérie, les colonies françaises, les pays de protectorat et les bureaux français à l'étranger, il appliquera les taxes postales actuellement en vigueur dans les relations entre les mêmes pays au bureaux et les bureaux français du Maroc.

ARTICLE 8.

En ce qui concerne le service télégraphique, les taxes applicables entre la zone française et les pays étrangers seront fixées après accord entre l'Administration française et le Gouvernement du protectorat.

En tout état de cause, les tarifs télégraphiques de l'Administration chérifienne devront être fixés de manière à ne pas créer de concurrence de taxes avec les voies françaises.

Les détails des dispositions concernant les relations postales et télégraphiques seront réglés par des actes annexés à la présente convention et qui auront la même valeur que celle-ci.

ARTICLE 9.

A ces clauses et conditions, le Gouvernement française abandonne au Gouvernement de Sa Majesté le Sultan toutes les recettes que réalisera au Maroc l'Office marocain et reste déchargé de toute dépense, étant entendu qu'en ce qui concerne le service télégraphique, ledit office ne conservera sur ces recettes que les parts terminales et de transit pour le parcours en territoire marocain.

Fait en triple à Paris, le 25 septembre, 1913.

Le Commissaire Résident général de la
République française au Maroc,
LYAUTEY.

Le Ministre du Commerce, de l'Industrie,
des Postes et des Télégraphes,
A. MASSE.

Le Ministre des Affaires Étrangères,
S. PICHON.

[48440] No. 110.

*Memorandum communicated to French Chargé d'Affaires, October 25.*

THE French Government desire to substitute for the old article 119 of the draft Tangier "dahir général" a new article numbered 117, entirely omitting the clause in which it is laid down that the cadi, nadir, and other religious functionaries of the international zone shall be elected by the native Electoral College, and providing that they shall be appointed by the Sultan's Khalifa in virtue of a special delegation of powers from His Majesty.

This new proposal is based on the ground that the suggested election of the cadi, nadir, &c., had been adversely criticised by French experts familiar with Mussulman thought and custom, as it appeared to be absolutely contrary to the principles of the Mahommedan religion to allow such officials to be elected, appointment by the Sultan or his Khalifa being the only method which would be recognised by Mussulmans.

His Majesty's Government had the honour to state in their memorandum of the 4th instant that they were ready to accept the new article if it were really a fact that these objections to the election of religious functionaries existed. His Majesty's Chargé d'Affaires at Tangier denied, however, the correctness of this proposition, and, if on further examination his views were confirmed, His Majesty's Government would desire to maintain the original article 119.

Since communicating to the French Embassy the memorandum referred to above, His Majesty's Government have observed that, according to the recent Turco-Bulgarian treaty, the chief mufti at Sophia is to be elected by the Bulgarian Mussulman community, and the elections approved by the Sheikh-ul-Islam with sanction of the Sultan Caliph, while local muftis in Bulgaria are also to be elected by the local Mussulman communities, and their election approved by the chief mufti at Sophia without reference to the Sheikh-ul-Islam or to the Sultan Caliph at Constantinople. It should be borne in mind that muftis are in some respects almost more important than the cadi, as they are the expounders of the religious law, and the cadis base their judgments on their expositions.

His Majesty's Government have also taken an opportunity to obtain the opinion on the point in question of the Right Honourable Syed Ameer Ali, a member of the Judicial Committee of His Majesty's Privy Council, who is recognised to be one of the greatest living authorities and writers on the Mahommedan religion. In this opinion, a copy of which is annexed hereto, it is clearly stated that there is nothing in the Mahommedan law or religion to warrant the contention that the election of religious functionaries would be contrary to Mussulman principles.

His Majesty's Government conclude that the election of such functionaries, confirmed by the supreme religious authority as provided for in the original draft, most closely approximates to Mahommedan ideals. They are therefore compelled to press for the maintenance of the old article 119 and the suppression of the new article 117.

*Foreign Office, October 25, 1913.*

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Annex.

*Opinion.*

There appears to me to be some misapprehension in connection with the supposition that the cadi and the nadir are religious functionaries, and that "their election would be absolutely contrary to the principles of the Mahommedan religion." There is nothing in the Mahommedan law or religion, so far as I am aware, to warrant this contention.

The Mussulman system, as a matter of fact, favours the elective principle. The first four Caliphs were the elected chiefs of the Islamic Commonwealth, and the form of election has been maintained up to the present day. Under the Moslem Sovereigns of Spain the cadis, who are judicial and magisterial officers, were frequently elected by the people, subject to the confirmation of the supreme executive authority, and this system of election has often been resorted to in Asiatic Moslem countries and has received recognition even in India.

The Imam, who is undoubtedly a religious functionary, is almost universally elected without question by the congregation, although occasionally the election is



subject to the confirmation of the supreme executive authority. The importance which the Islamic system attaches to the principle of election is shown by a well-known tradition ("hadith") of the founder of the Mahommedan religion, that "What is considered best by the people is most acceptable to God." This "hadith" is to be found in the "Radd-ul-Muhtâr" and other works of authority on Islamic law, and is quoted also in my work on Mahommedan law.

AMEER ALI, *Member of the Judicial Committee of His Majesty's Privy Council.*

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[49124] No. 111.

TANGIER MUNICIPALITY.

*Memorandum by Sir Eyre Crowe.*

I HAD another long discussion to-day with the French Chargé d'Affaires on the subject of the further changes in the drafts of the convention and general Dahir.

In the following notes I explain the stage of the discussion now reached, recapitulating, for the sake of clearness, seriatim the results arrived at in respect to all the modifications recently proposed by France.

(A.)—*Convention.*

*Article* 3.—Mr. White's suggestion to insert "législative" after "autonomie" meets with objection. M. de Fleuriau observed that, as regards legislative affairs, the foreign representatives at Tangier will, as members of the Committee of Control, be themselves the normal channel of communication with the municipality, in the sense that any instructions they may receive from their Governments will inspire their words and actions in the discussions of the Committee. If Mr. White's suggestion were adopted, it is feared that in any question decided by a committee majority, the defeated minority might claim the right to reopen the question so decided by making it the subject of diplomatic representations to the municipality, which would never do. I admitted that such a possibility must be excluded, but doubted whether it could be regarded as authorised by the wording we had proposed. After discussion I provisionally agreed with M. Fleuriau upon the following text:—

"... dans les limites de son autonomie, telle qu'elle est définie par la pré-
"sente convention et le projet de Dahir y annexé."

*Article* 5 *bis* disappears.
*Article* 11 is restored to its original form.
*Article* 13.—The new version is accepted.
*Article* 17.—The addition is accepted.
*Articles* 22, 23, 25.—The French stoutly maintain their latest proposal, and I as firmly objected to them as unacceptable. The discussion ranged over the whole field, but I concentrated my criticism on the disproportionate preponderance of the French element involved, and on the absence of some form of "concours" for minor posts. On the latter point, M. de Fleuriau suggested the following addition to article 23 in its revised form (French proposal):—

"Les autres fonctionnaires, agents et employés de la municipalité seront recrutés
"par voie de concours."

And, in order to give effect to this arrangement, he proposed, in the corresponding article of the Dahir (article 110) to substitute for the last paragraph the following:—

"2. Dans les autres cas, les chefs de département ou de service intéressés
"établiront, d'accord avec l'administrateur en chef, les programmes et
"règlements des concours, qui seront ouverts aux candidats ayant satisfait
"à la prescription de l'article 111. Les épreuves et examens de ces con-
"cours auront principalement lieu en langue française, la connaissance de
"l'arabe et de l'espagnol pouvant être exigée."

I finally promised to consider the possibility of agreeing to the new (revised) articles 22, 23, and 25, and the corresponding provisions of the Dahir, with the above additions, and also with the retention of the last two paragraphs of article 22 of the convention, provided the French agreed to limit to 50 per cent. the number of subordinate officials of the same nationality in any one department.

M. de Fleuriau on his part promised to suggest to his government a compromise on these lines.

*Article* 27.—The revised version is accepted, provided the corresponding article in the Dahir (article 102) is so worded as to retain the provision of the old draft that all decisions in matters of quarantine shall be left in the hands of the three delegates at Tangier.

(B.)—*Dahir.*

*Article* 3.—France insists on retaining the provision that the native administration is to be carried on "dans les formes traditionnelles." M. de Fleuriau explained that this was intended to mean no more than that *in outward appearance* the Moorish forms and customs would be respected. In his and M. Dupeyrat's opinion it was impossible to read any other meaning into the words, nor could they suggest any others not liable to be criticized in the same spirit. I took formal note of this and finally agreed to the following wording:—

"... l'administration des indigènes, qui sera assurée, *en respectant* les formes "traditionnelles, par un personnel marocain, dont la compétence ne s'étend "pas aux questions judiciaires ...."

*Articles* 6 and 7.—The old text is reverted to.

*Article* 14.—France attached great importance to the adoption of the roster for filling the post of chairman of the Committee of Control. We know that Spain too is keen to have it. And no doubt it will appeal strongly to the other treaty Powers. In these circumstances, I have agreed to accept it.

*Article* 19.—It remains understood that we shall agree to the change proposed if Spain does the same.

*Article* 85 } .—The changes proposed are accepted.
*Article* 93 }

*Article* 96.—I agreed with M. de Fleuriau upon the following compromise, which we both agreed to recommend to our respective governments.

The old text of the article is retained, consisting of the first line followed by the two numbered sub-paragraphs. To these would be added a fresh paragraph, as follows:—

"Les deux tabors de police militaire existant actuellement à Tanger seront "provisoirement maintenus. Par des décisions qui devront être approuvées "par le Comité de Contrôle, l'Assemblée Municipale proposera la date à "laquelle les deux tabors ci-dessus désignés seront remplacés par le corps de "police militaire prévu à l'alinéa premier, et telles mesures transitoires qui "paraîtraient nécessaires pour accomplir ce changement."

*Article* 102.—See observations under the head of article 27 of the convention.

*Article* 110.—Must be brought into harmony with whatever is ultimately decided as regards article 22 of the convention.

*Article* 111.—The revised version is accepted.

*Article* 117.—In view of the evidence which we have produced to show that there is nothing in the Mussulman religion opposed to an election of Cadis and Nadirs, M. de Fleuriau admitted that he must drop the argument his government had advanced under this head. Nevertheless, he said, this was a point on which he was instructed to make it clear that France could not give way. He now advanced a different reason: The French government were not going to allow any election of Cadis or Nadirs in the French zone, nor did they believe the Spaniards would introduce such a system in their zone. It would create a most unpleasant situation in those zones if the natives, seeing that they were allowed to elect such officials at Tangier, were to agitate for a similar arrangement in the rest of Morocco. Moreover, General Lyautey considered that the Sultan would on this point offer really serious resistance. The French government thought that their proposed article offered every guarantee against the appointment of unfit officials, since the Committee of Control was given the decisive voice in their selection, and could insist on their dismissal if necessary.



I feel that the French mean to insist on this point. I therefore finally agreed to consider the adoption of their proposal, with the modification that, in order to call for the dismissal of unsatisfactory officials, the Committee of Control should not be restricted to action by a two-thirds majority, but that a bare majority should suffice. I added that if His Majesty's government were to agree to meet the French in regard to this article, they would on their part expect to be met by France on the subject of the proportion of lower officials of the same nationality to be appointed to the several administrative departments.

*Article* 118 must be worded so as to correspond to article 3.

*Article* 126.—The solution previously arrived at is maintained.

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As regards the nationality of the judges and law officers to be appointed under the Judicial Dahir, the French government agree that when communicating the 3 instruments to the German government, it should be explained "officieusement" how France, England, and Spain proposed to allot the several posts to the different nationalities.

*Foreign Office, October* 27, 1913.

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[49579] No. 112.

*Mr. White to Sir Edward Grey.*—(*Received November* 1.)

(No. 319.)

Sir, *Tangier, October* 25, 1913.

WITH reference to my despatch No. 302 of the 15th instant, I have the honour to report that I have received a further private letter from M. Porché, who tells me he is still occupied with the question of the concession for the port of Tangier. He has completed his draft of the proposed contract, and is well advanced with the "cahier des charges" regarding the exploitation, fixing the tariffs, &c. His great difficulty, he tells me, has been the inability of the future municipality to guarantee the interest on the outlay, as the company require in consequence more advantageous terms in other respects to cover its risks, such as the concession of rights over lands to be reclaimed from the sea.

M. Porché, who has great faith in the prospects of the port, expresses his unwillingness to compromise the future by burdening the municipality with onerous terms, whilst on the other hand one cannot expect any company to take up the concession without some form of guarantee. His draft contract was under the consideration of the Société marocaine de Travaux publics, who would doubtless draw up their observations thereon. After which, M. Porché considers that the best plan would be to submit his draft and the company's observations to an international technical commission, similar to that which drew up the mining regulations.

M. Porché apparently considers that the negotiations might be facilitated if the concessions for waterworks, electrical power, tramways, and gas, were to be incorporated with that for the port, and he asks my personal opinion on that point. There might be some advantages in this, as better terms for the port concession would probably be thus obtained, and it would be as well that the waterworks, &c., should be in the hands of an international company, in which British capital is represented, but on the other hand there might be disadvantages, as probably more liberal terms could be secured if the concession for waterworks, &c., were put up to adjudication, though in that case the contract would probably go to some company which was not of an international character. It will, indeed, I think, be impossible to maintain indefinitely the principle that all concessions at Tangier must necessarily be granted only to international companies.

In my reply to M. Porché, I shall be careful not to commit myself to a definite opinion one way or the other, but I should be grateful if I could be favoured with your views on this point for my guidance.

I have, &c.
HERBERT E. WHITE.

[49709] No. 113.

*Board of Trade to Foreign Office.—(Received November 1.)*

(Confidential.)

Sir, *Board of Trade, October 31, 1913.*

I AM directed by the Board of Trade to acknowledge the receipt of your letter of the 24th October, transmitting copy of a memorandum from the French Embassy, on the subject of the revised Mining Regulations for Morocco.

The Board concur in Sir E. Grey's view that if and when His Majesty's Government shall have recognised the judicial system recently established in the French protectorate, it will be difficult for them to insist on the observance in regard to the present matter of articles 116–119 of the Algeciras Act; and they are accordingly prepared to agree to the acceptance of the proposal now put forward by the French Government.

I am, &c.
GEO. J. STANLEY.

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[45248] No. 114.

*Sir Edward Grey to Viscount Kitchener.*

(No. 188.)

My Lord, *Foreign Office, November 1, 1913.*

I TRANSMIT to you herewith a copy of a note from the French Ambassador in London requesting His Majesty's Government to place British subjects in Morocco under the jurisdiction of the new tribunals established in the French protectorate,* and a copy of the reply which I returned to the French Chargé d'Affaires,† in the absence of M. Cambon, stating that the Presidential and Shereefian decrees on the subject would be considered together with the analogous questions arising in connection with the proposed abolition of the Capitulations in Egypt.

I shall be glad if you will cause these documents to be examined from the point of view of the measures which the Khedivial Government propose to adopt in Egypt, and will then submit the observations of the legal advisers to that Government as to how far the French proposals would appear to call for modifications of the Egyptian scheme, and also as to whether, in the light of Egyptian experience, His Majesty's Government would be well advised to accept French jurisdiction in Morocco on the conditions now enacted when British consular jurisdiction is withdrawn, or whether any modifications of the French scheme should be suggested.

You will observe that the accompanying copies of the French decrees have been interleaved and bound to facilitate study. It would be convenient if any detailed observations which, after hearing the legal advisers, your Lordship may wish to make could be written on the blank pages which have been inserted, and if one of the copies thus annotated could eventually be returned to this Department with your reply to the present despatch.

I am, &c.
E. GREY.

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[45248] No. 115.

*Sir Edward Grey to Mr. White.*

(No. 178.)

Sir, *Foreign Office, November 1, 1913.*

WITH reference to your despatch No. 291 of the 4th ultimo, I transmit to you herewith a copy of a note from the French Ambassador in London requesting His Majesty's Government to place British subjects in Morocco under the jurisdiction of the new tribunals established in the French protectorate,* and a copy of the reply which I returned to the French Chargé d'Affaires,† in the absence of M. Cambon, stating that the Presidential and Shereefian decrees on the subjects would be considered together with the analogous questions arising in connection with the proposed abolition of the Capitulations in Egypt.

* No. 87. † No. 105.



A copy of a despatch which has been addressed to His Majesty's Agent and Consul-General at Cairo, calling for the examination of the French scheme from the point of view of the measures which it is proposed to adopt in Egypt, is also enclosed herein.*

I shall be glad if you will furnish me with any detailed observations which you may have to offer on the French proposals, or on any particular points therein. It would be convenient if they could be written on the blank pages which have been inserted in the accompanying copies of the French decrees, and if one of the copies thus annotated could eventually be returned to this Department with your reply to the present despatch.

I am, &c.
E. GREY.

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[50592] No. 116.

*Board of Trade to Foreign Office.—(Received November 7.)*

Sir, *Board of Trade, November 6, 1913.*

I AM directed by the Board of Trade to refer to your letter of the 28th August, transmitting copy of a despatch from His Majesty's representative at Tangier, with its enclosure, respecting new Customs Warehouse Regulations to be applied in the French zone.

The Board have been in communication with the London Chamber of Commerce with regard to these regulations, and I am now to transmit to you herewith copy of a letter on the subject which has been received from that body.

It will be observed that there appears to be some difference of opinion among traders interested as to the reasonableness of shortening the period during which goods may be left in the customs warehouses free of charge, but, on the whole, the Board are disposed to suggest, subject to Sir E. Grey's approval, that the French Administration might be invited to consider whether, whilst maintaining the increased dues to be levied on goods for additional delays, they could not see their way to make some rather less drastic alteration in the period during which free storage is allowed.

As regards the final sentence of Mr. White's despatch, I am to observe that the regulation in question (article 4 (4)), would appear to be based on the assumption that, whilst regular lines with a fixed time-table would have no interest in arriving late to load, charterers might have an interest in delaying the arrival of vessels; and that, in any event, delay in respect of regular boats may be assumed to be unintentional, whilst the same assumption cannot always be made for chartered vessels. It will be noted that the chamber do not appear to have thought it necessary to refer to this discrimination between the two classes of vessel, which the Board are disposed to regard as not altogether unreasonable.

I am, &c.
GEO. J. STANLEY.

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Enclosure in No. 116.

*London Chamber of Commerce to Board of Trade.*

Sir, *Oxford Court, Cannon Street, London, October 27, 1913.*

REFERRING to your letter of the 9th September, enclosing an extract from the "Bulletin Officiel" containing the new Customs Warehouse Regulations to be applied in the French zone in Morocco, which has been duly communicated to our members interested, I beg to advise you that, in their opinion, the diminution by one-half of the term during which the goods may be left in the customs warehouse free of charge is an important modification, and some firms have expressed the opinion that it is just and equitable. Other members, however, do not agree with the statement of His Majesty's representative that some merchants have abused the old system by keeping their goods in the custom-house rather than hire stores for them. It has been pointed out that in many cases goods imported into Morocco are sold on the basis of "cash against documents," and twenty days was often not sufficient to enable merchants to

* No. 114.

take up their consignments. It is considered that the curtailment of the time by ten days will make it much more difficult for importers to do business, and, as a consequence, many British firms may have goods left on their hands, besides having to pay the heavy taxes on merchandise. It is suggested that the period of twenty days for free storage should not be altered, even if increased dues are imposed on goods not removed within that period. I return the extract from the "Bulletin Officiel" herewith.

I am, &c.
CHARLES E. MUSGRAVE, *Secretary.*

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[49709] No. 117.

*Sir Edward Grey to M. Cambon.*

Your Excellency, *Foreign Office, November* 7, 1913.

IN reply to the memorandum which M. de Fleuriau was good enough to hand to Sir A. Nicolson on the 20th ultimo, I have the honour to inform your Excellency that His Majesty's Government are prepared, provided the other treaty Powers adopt a similar course, to accept the proposal put forward therein by the French Government to insert in the official instrument promulgating the Morocco Mining Regulations in the French zone, a clause to the effect that the procedure governing expropriation laid down in articles 116–119 of the Algeciras Act may be invoked by nationals of countries whose Governments have not recognised the jurisdiction of the new French tribunals until such recognition shall have been accorded.

I have, &c.
E. GREY.

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[49709] No. 118.

*Sir Edward Grey to Señor Merry del Val.*

Your Excellency, *Foreign Office, November* 7, 1913.

WITH reference to my note of the 2nd ultimo, in which I had the honour to communicate to your Lordship the observations of His Majesty's Government on the text of the Morocco Mining Regulations which you communicated to me on the 5th September, I now beg to inform your Excellency that the French Government have put forward a proposal to insert in the official statement promulgating the regulations in the French zone, a clause to the effect that the procedure governing expropriation laid down in articles 116–119 of the Algeciras Act may be invoked by nationals of countries whose Governments have not recognised the jurisdiction of the new French tribunals until such recognition shall have been accorded.

His Majesty's Government have signified to the French Ambassador their willingness to accept this proposal provided other Powers similarly situated do the same, and I have the honour to enquire whether the Spanish Government would be prepared to enter into a similar arrangement as regards the Spanish zone.

I have, &c.
E. GREY.

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[50676] No. 119.

*Mr. White to Sir Edward Grey.*—(*Received November* 8.)

(No. 328.)

Sir, *Tangier, October* 31, 1913.

WITH reference to my despatch No. 307 of the 17th instant, I have the honour to report that Sid Mokri's resignation has been accepted, and the post of Grand Vizier has been offered to, and accepted by, Sid Guebbas, whose appointment will doubtless be shortly published in the "Bulletin Officiel."

French public opinion here regarding Sid Mokri is divided, one party being grateful to his Excellency as the vizier who brought about the Protectorate Treaty, whilst the other party, those who were opposed to M. Regnault, are bitterly hostile to him, and triumphant at his removal.



Sid Guebbas's appointment, on the other hand, is well received by both French parties, his servile submission to French guidance having won him the gratitude of the whole colony.

It seems doubtful whether any successor will be appointed to Sid Guebbas at Tangier. One of his Excellency's assistants will probably be left in charge, for I hardly think the French Government will carry out a plot, which M. Dupeyrat once mentioned to me in Madrid, and close the "Dar en Niaba," so that the foreign representatives at Tangier should have no Moorish official with whom they could communicate, and would be forced to enter into official relations with the Resident-General.

Sid Guebbas's appointment as Grand Vizier opens the question of the Khalifa of the International Zone, which post he was to have occupied. It is supposed by some that that post will now be given to Sid Mokri, who is believed to desire it, but the French Chargé d'Affaires told me he considered that unlikely. I do not at all regret that Sid Guebbas is not to be our future khalifa.

I have, &c.
HERBERT E. WHITE.

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[50677] No. 120.

*Mr. White to Sir Edward Grey.*—(*Received November* 8.)

(No. 329.)

Sir, *Tangier, November* 1, 1913.

I HAVE the honour to report that I learn from the Netherlands Agent that the French Government have already approached his Government with a view to obtaining the abolition of the Capitulations consequent to the establishment of the new tribunals reported in my despatch No. 291 of the 4th ultimo.

M. Advocaat, whose opinion has been asked by his Government, is apparently unwilling that the Capitulations should be abolished as regards Dutch subjects until one has had some experience of the working of the new tribunals.

I presume a similar request has been made to the Russian Government, who will probably have no difficulty in agreeing, as there are, I believe, not half a dozen Russian subjects in Morocco.

I have, &c.
HERBERT E. WHITE.

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[51170] No. 121.

*Mr. White to Sir Edward Grey.*—(*Received November* 11.)

(No. 331.)

Sir, *Tangier, November* 3, 1913.

THE French Chargé d'Affaires has been kind enough to obtain for me from the Resident-General the latest estimates that have been made regarding the population of the French zone of Morocco. These estimates are, of course, only approximate, but as regards the pacified districts they are probably not far wrong. They place the population at a lower figure than the earlier estimates that have been made. Taking their total of 3,200,000 for the French zone, the total population of Morocco must be under rather than over 4,000,000.

I have the honour to transmit herewith two tables, the first showing the total population by districts, and the second, the urban population. In the latter, the numbers of persons of the different nationalities are quoted separately.

The total number of Europeans residing in the towns of the French zone is given as 38,538, exclusive of the troops of occupation. If we add to these figures those for Tangier, Tetuan, Larache, and Alcazar, we arrive at a total of about 50,000 Europeans now residing in Morocco. Ten years ago their numbers was given as 8,883, and five years later they had increased to about 16,500; thus in the last three years they have increased threefold.

It is principally Frenchmen who are pouring into the country, and, after them, Spaniards and Italians, mostly of the poorest classes. His Majesty's consul at Casablanca reports that he has been informed by his French colleague that 9,000

Frenchmen have arrived during the last four months. There is therefore every prospect of the French population continuing to increase at a very rapid rate.

I have, &c.

HERBERT E. WHITE.

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Enclosure 1 in No. 121.

TABLE showing total Population by Districts (Approximate Estimate).

| | | |
|---|---|---|
| Région de Rabat .. .. .. .. .. | 230,000 | |
| ,, Fez .. .. .. .. .. | 236,000 | |
| ,, Méquinez .. .. .. .. .. | 224,000 | |
| Chaouïa .. .. .. .. .. .. | 250,000 | |
| Doukala-Abda .. .. .. .. .. | 350,000 | |
| Région de Marrakech .. .. .. .. .. | 800,000 | |
| Maroc oriental .. .. .. .. .. .. | 300,000 | |
| | | 2,400,000 |
| Territoire non occupé .. .. .. .. .. .. | | 800,000 |
| Total .. .. .. .. .. | | 3,200,000 |

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Enclosure 2 in No. 121.

TABLE showing the Approximate Urban Population of French Morocco in July 1913.

| Villes. | Population européenne. | | | | | | Population indigène. | | | Total de la Population urbaine. |
|---|---|---|---|---|---|---|---|---|---|---|
| | Français. | Espagnols. | Italiens. | Anglais. | Allemands. | Divers. | Total des Européens. | Musulmans. | Israélites. | Total des Indigènes. | |
| Rabat-Salé .. .. | 2,500 | 350 | 350 | 15 | 15 | 50 | 3,280 | 50,000 | 4,000 | 54,000 | 57,280 |
| Casablanca .. .. | 12,000 | 4,000 | 3,500 | 500 | 150 | 450 | 20,000 | 30,000 | 9,000 | 39,000 | 59,600 |
| Mazagan .. .. | 350 | 350 | 150 | 150 | 15 | 50 | 1,265 | 23,000 | 3,000 | 26,000 | 27,265 |
| Safi .. .. .. | 300 | 211 | 50 | 30 | 20 | 50 | 650 | 16,500 | 3,000 | 19,500 | 20,150 |
| Mogador .. .. | 350 | 150 | 40 | 40 | 10 | 40 | 630 | 12,000 | 12,000 | 24,630 | 24,630 |
| Marrakech .. .. | 350 | 50 | 50 | 10 | 10 | 40 | 510 | 80,000 | 16,000 | 96,000 | 96,500 |
| Méquinez .. .. | 250 | 25 | 25 | 5 | 5 | 20 | 330 | 20,000 | 5,000 | 25,000 | 25,330 |
| Fez .. .. .. | 250 | 40 | 20 | 8 | 10 | 20 | 348 | 90,000 | 9,000 | 99,000 | 99,348 |
| Oudja .. .. .. | 7,500 | 500 | 100 | 10 | 5 | 50 | 8,165 | 12,000 | 3,000 | 15,000 | 23,165 |
| Autres localités .. .. | 2,000 | 500 | 200 | 5 | 5 | 50 | 2,760 | 50,000 | 8,000 | 58,000 | 60,760 |
| Totaux .. .. | 25,850 | 6,365 | 4,485 | 773 | 245 | 820 | 38,538 | 383,500 | 72,000 | 455,500 | 494,038 |

Total général de la population urbaine du Protectorat français : 500,000 habitants en chiffres ronds.

*Rabat, le* 15 *août*, 1913.

[51481] No. 122.

*Señor Merry del Val to Sir Edward Grey.*—(*Received November* 12.)

(Translation.)

Sir, *Spanish Embassy, London, November* 10, 1913.

IN reply to your note of the 7th instant enquiring whether the Spanish Government are prepared to give their consent to the insertion in the Morocco Mining Regulations of a clause providing for the application in the Spanish zone of articles 116 to 119 of the Algeciras Act relative to expropriation, in the same way as proposed by the French Government, in the case of nationals of Powers which have not recognised the tribunals set up in the said territory, I have the honour to state that my Government are for their part entirely in agreement with this proposal so far as concerns the Spanish protectorate in Morocco.

I have, &c.

ALFONSO MERRY DEL VAL.

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[49579] No. 123.

*Sir Edward Grey to Mr. White.*

(No. 186.)

Sir, *Foreign Office, November* 13, 1913.

I HAVE received your despatch No. 319 of the 25th ultimo informing me that you have received a letter from M. Porché, in which he solicits your opinion whether the negotiations for the concession of the port of Tangier might not be facilitated if the concessions for waterworks, electric power, tramways, and gas were to be incorporated with that for the port.

It appears to me that, although there may no doubt be advantages to be derived from such an amalgamation, the result would be that one all-powerful company would own and work the port and most of the public utility services of the municipality. This company, which will really be a French concern, would constitute an "Imperium in imperio," and might practically overshadow the municipality.

With this consideration in view, I am of opinion that it would be wrong for His Majesty's Government to commit themselves to such a scheme as that suggested by M. Porché without consulting the new municipality, and you may therefore reply that this question must be left for final decision by that body.

I am, &c.

E. GREY.

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[50592] No. 124.

*Sir Edward Grey to Mr. White.*

(No. 187.)

Sir, *Foreign Office, November* 14, 1913.

WITH reference to your despatch No. 232 of the 9th August last, I transmit to you herewith copy of a letter and its enclosure which has been received from the Board of Trade in regard to the new customs stores regulations to be applied in the French zone.*

You will observe that the Board of Trade suggest, in the third paragraph of their letter, that the French Administration should be invited to consider whether, whilst maintaining the increased dues to be levied on goods for additional delays, they could not see their way to make some rather less drastic alteration in the period during which free storage is allowed.

You should approach the French authorities in this sense, and endeavour to obtain from them favourable consideration of the suggestion put forward by the Board of Trade.

I am, &c.

E. GREY.

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* No. 116.



[51904] No. 125.

*Sir A. Hardinge to Sir Edward Grey.*—(*Received November* 15.)

(No. 177.)

Sir, *Madrid, November* 11, 1913.

I HAVE the honour to report, with reference to my telegram No. 47 of to-day's date, that the French Chargé d'Affaires came to see me yesterday and informed me that he had received orders from his Government to act in concert with me in presenting to that of Spain certain proposals agreed upon in Paris and London respecting the future government of Tangier. He did not describe these proposals, but he said that he thought they were likely to be unwelcome to the Spanish Government, which had been left out of the discussion and was now to be informed by us that they represented the irreducible minimum of our joint requirements. A delegate of the Sultan was, I understand, to sit on the International Board, this giving France another vote. M. Vieugué added, in reply to a remark from me, that this seemed rather an unexpected sequel to the cordiality which had marked President Poincaré's visit to Madrid, that he thought the exclusion of Spain from the discussions was the result of a conviction on the part of the French Government that Spanish dilatoriness and obstructiveness as displayed in earlier negotiations would prolong them for an indefinite term.

I replied that I must await, before I could move or even express an opinion in the matter, precise instructions from you, and M. Vieugué said that until I had received them he would himself say nothing on the subject to the Spanish Government. To-day he called to tell me that the Marquis de Lema had just spoken to him about a rumour that France and England were settling the future status and government of Tangier behind the back of Spain, and that he had instructed Señor Villa-Urrutia to verify this rumour at Paris. The Marquis had gone on to say that, if it proved correct, Spain was justified in making "une plainte d'amitié" in presence of such treatment, and in reserving her full liberty to study and criticise these proposals when made to her at her leisure. M. Vieugué, not being in a position to refer to his instructions until I was furnished with my own, had returned an evasive reply to the question put to him by the Marquis de Lema, but he seemed to entertain no doubt that the course which the two Governments had apparently resolved to adopt, and as to which there was therefore nothing more to be said, would prove very unwelcome to that of Spain.

It is not for me to express, with imperfect knowledge both of the proposals themselves and of the circumstances which have led to their adoption, any opinion with regard to their necessity or utility. I hope, however, that I shall not be deemed to presume if I suggest, in the absence of further acquaintance with all the circumstances of the case, that the advent to power here of a new Conservative Government, which, contrary to the expectation of some politicians, has re-emphasised in a somewhat marked manner its adhesion to the views of the Triple *Entente*, is not, perhaps, the most opportune occasion for a step on the part of the French and British Governments which may appear in its matter, as well as in its form, to savour of unfriendliness to Spain, or indifference to those interests in Morocco as to which public opinion in this country has been for many years so sensitive.

I have, &c.

ARTHUR H. HARDINGE.

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[51843] No. 126.

*Sir Edward Grey to Sir A. Hardinge.*

(No. 147.)

Sir, *Foreign Office, November* 15, 1913.

I AM happy to be able to inform your Excellency that the negotiations with the French Government which have, as your Excellency is aware, been proceeding for some time past on the subject of the arrangements for the internationalisation of Tangier have been brought to a satisfactory conclusion. I transmit to you herewith three copies of the convention, "dahir général," and judicial dahir, in their final shape as accepted by His Majesty's Government and by the French Government.

It will now be necessary to seek the concurrence of the Spanish Government in the various alterations and additions which have been introduced into those instru-

ments since the termination of the sittings of the Tangier Mixed Commission at Madrid.

Your Excellency is aware that Sir M. de Bunsen was authorised in July last to concert with his French colleague in presenting to the Spanish Government for their approval the text of the draft convention and dahirs as amended after the informal discussions which took place at this Department with M. Dupeyrat of the French Foreign Office at the end of June. Owing to the anxiety of the French Government, that the necessary communication should be made at Madrid with the least possible delay, I was unable at the time to furnish Sir M. de Bunsen with detailed explanations respecting the alterations in the drafts as settled by the Madrid Commission. A very full letter of instructions on the subject was, however, furnished by M. Pichon to the French Ambassador. (See Enclosure in No. 37.)

For reasons which your Excellency will see fully explained in the correspondence in His Majesty's Embassy, the joint communication to the Spanish Government was not made at the time. It is, however, probable that the whole question was thoroughly discussed by His Majesty's Ambassador and the French representative, and the Spanish Government are, as a matter of fact, in possession of the drafts as revised in July, since copies were given privately to the Spanish Ambassador in London at the moment when it was believed that they were about to be communicated officially at Madrid, and they have commented upon them in an official memorandum which formed the enclosure in Mr. Rennie's despatch No. 151 of the 26th September. I explained in my telegram No. 46 of the 4th October to Sir M. de Bunsen the reasons for which I have not considered it desirable to discuss that document with the Spanish Government.

His Majesty's Embassy has been kept informed of the course of the later negotiations which have taken place with the French Government dating from M. Dupeyrat's further visit to London in the middle of September, but I transmit to your Excellency herewith, for your fuller information and guidance, a memorandum setting forth the reasons for the further alterations in the draft convention and dahirs since the revised editions of July.

I have to request that your Excellency will now place yourself in communication with the French representative at Madrid, and will express to the Minister of State the hope of His Majesty's Government that the Spanish Government will approve the drafts in their present form.

In making your communication to the Minister of State your Excellency should call his attent ion to the change introduced in the documents as originally drawn up *ad referendum* by the delegates of the three Powers at Madrid and San Sebastian. Your Excellency will bear in mind that, as the Spanish Government have never officially received the drafts of the 11th July, the new convention and dahirs should, in any explanatory note or memorandum, be compared with those prepared by the Madrid Commission, and not with any later edition of which you are in possession.

Your Excellency should further specially refer to the points in regard to article 8 of the convention and article 92 of the "dahir général" mentioned in my telegram No. 28 of the 10th July, and should, finally, in accordance with the instructions conveyed to Sir M. de Bunsen in that telegram, point out the great concession to Spanish wishes made by His Majesty's Government in agreeing to any maintenance of consular jurisdiction in Tangier, stating that they consider that it should be agreed that after a period of, say, three years the question of the complete abolition of consular jurisdiction should be reopened, and that, so long as it is maintained in the international zone, it will be a matter for consideration by His Majesty's Government whether they can withdraw their consular jurisdiction from the Spanish protectorate.

Copies of the revised editions of the drafts dated the 11th July and the 17th September, and a further copy of the instructions from M. Pichon to M. Geoffray referred to above, are enclosed herein for convenience of reference.

I am, &c.
E. GREY.

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Enclosure in No. 126.

*Memorandum showing the Reasons for the Alterations introduced into the Tangier Draft Convention and "Dahirs" since their revision in July.*

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*Convention.*

*Article* 3.—His Majesty's Government are of opinion that the power of the municipality to correspond direct with the representatives of the Powers should not be unduly restricted, as might have resulted from too strict an interpretation of the somewhat vague wording "dans les limites de son autonomie." An addition has therefore been made explaining that by the "autonomy" of the municipality, its autonomy as defined in the convention and "dahir général" is understood.

*Article* 13. It has been considered advisable, in order to prevent the possibility of future misunderstandings, to explain the meaning of paragraph 2 of this article. The new text appears to His Majesty's Government to be much clearer than the original wording, and the interests of the future municipality are, it is hoped, sufficiently safeguarded by the proviso that any ground taken up by the proposed railway company is to be paid for at its market value.

*Article* 17.—As the French Government are renouncing temporarily their claim to exact from Tangier its share of the French war indemnity, it seems reasonable that Spain should make a similar renunciation in regard to the indemnity due to her, and a paragraph assuming such renunciation on her part has accordingly been added.

*Articles* 22, 23, and 25.—The modifications introduced into these three articles represent a compromise between the British and French standpoints. An agreement had already been arrived at that the heads of the three principal municipal services (1) finance, (2) interior, and (2) education, poor law, and sanitation, should be respectively British, French, and Spanish. As regards the subordinate staff, however, it was proposed to establish a somewhat rigorous system of internationalisation by limiting each nationality to a maximum of 25 per cent. in any one class of appointment. It is objected that this great mixture of nationalities in each branch of the municipal services would not work with efficiency as it would be almost impossible that so many heterogeneous elements could work properly together. In order to ensure the smooth working of the municipal departments it will certainly be advisable that a large proportion of the various staffs shall be of the same nationality, and in fixing the maximum percentage at fifty, it is hoped to avoid an undue preponderance of officials of any one nationality and at the same time to preclude the raising of objections on the score of insufficient representation by the treaty Powers other than those principally interested in Morocco.

At the very last moment the French Government have proposed to omit from article 25 of the draft convention the last sentence of the first paragraph. This would have the effect of excluding the Public Works Department from the stipulation that only 50 per cent. of the employés may be of one nationality. This exception is defended on the ground that the Public Works Service extends to the whole of Morocco, including the French and Spanish zones.

His Majesty's Government have, however, refused their assent to this proposal. The Public Works Department is paid for out of the funds of the Caisse spéciale, established under the Algeciras Act, which derives its revenues from the 2½ per cent. customs surtax levied on foreign commerce, and there is every reason to maintain its international character.

It has accordingly been arranged that, if France persists in claiming the proposed exemption of the Public Works Department from the operation of the 50 per cent. rule, she must raise the question in the course of the discussions to be opened at Madrid. It is, however, understood that, as at present advised, His Majesty's Government are not prepared to assent.

*Article* 27.—A form of words is now proposed which it is believed will be more readily acceptable to Spain. It leaves open the question whether the delegation from the three Powers which is to set up a common regulation for the three territories is to be a permanent body—as contemplated in the original text—or whether they need only meet in order to settle the regulations to be applied. At the same time it ensures uniformity in quarantine matters at all the ports of the three zones—a point to which His Majesty's Government attach great importance.

"*Dahir général.*"

*Article* 1.—The addition made at the end of this article corresponds to that in article 3 of the convention. (See observations above.)

*Article* 3.—The alteration in paragraph 1 is due to the desire of the French authorities to accentuate the religious character of the Sultan's authority.

The new and expanded clause at the end of the second paragraph is designed to meet the difficulty caused by the necessity for the appointment of a kaïd or other Mussulman functionaries, with purely administrative powers. It is clearly laid down that the Moorish staff in control of native affairs will have no judicial authority, whilst the wording "en respectant les formes traditionnelles" is not so restrictive as to hinder the introduction of such reforms and readjustments as time may show to be necessary.

*Article* 7.—The words "la défense de" have been inserted in the clause, which now reads "à l'exception de la police nécessaire pour la défense de son territoire." This addition appears to be quite unobjectionable and to call for no special remark.

*Article* 14.—According to the original wording of this article the president and vice-president of the Committee of Control were to have been annually elected by secret ballot. The French Government consider that to introduce an element of election is likely to lead to intrigues and jealousies among the foreign agents. His Majesty's Government would have preferred to maintain the principle of election as being more likely to produce efficient presidents. They recognise, however, that there is some force in the French contention, and they have therefore agreed to the alteration now shown.

*Article* 18.—The omission of the words "sur la proposition de son président" at the end of paragraph 2 will leave the Committee of Control less fettered in appointing its necessary office staff.

*Article* 19.—The effect of the change in the original wording is to reduce the number of Moorish elected members by one, the vacant place in the municipal assembly being filled by a member nominated by the Sultan. The French Government represent that it is wrong in principle and injurious to the Sultan's prestige that all the treaty Powers should nominate a member, and that only the Sultan should not have this right.

His Majesty's Government do not share this view. The arrangement finally decided upon at Madrid is, in their opinion, infinitely preferable. They do not, however, attach vital importance to this point, and they have therefore reluctantly accepted the new wording, provided Spain does the same.

*Article* 85.—No provision was originally made in the dahir for the presentation of supplementary estimates if necessary. His Majesty's Government and the French Government concur in the view that there ought to be power to present such estimates, and a clause to this effect has accordingly been inserted.

*Article* 93.—The revised enumeration of the municipal services is necessitated by the amendment in article 27 of the convention, under which it would no longer be correct to speak of a "Conseil sanitaire maritime," and by the requisite mention of the international court.

*Article* 96.—The addition made in paragraph 2 is the result of a compromise which has only been reached after considerable discussion. On the one hand it was recognised to be necessary to postpone the transference of the extra-urban police to the command of a Spanish officer so long as a state of hostilities exists on the fiontier of the Tangier zone, and on the other hand His Majesty's Government were anxious not to upset the arrangement finally settled upon by the Madrid Commission after lengthy deliberations. The present proposal appears to meet the difficulty in a satisfactory manner, and His Majesty's Government trust that the amended text will be acceptable to the Spanish Government.

*Article* 102.—See observations under the head of article 27 of the convention.

*Articles* 110 *and* 111 (*old*).—These articles have been amalgamated. The changes shown in the new article (numbered 110), correspond to, or result from, those effected in articles 22, 23 and 25 of the convention.

*Article* 3 (*new*).—A slight verbal alteration has been introduced in the original wording of the old article 112, which appears to be an improvement.

*Article* 117.—His Majesty's Government have reluctantly agreed to the abolition of the provisions of original article 119 under which the Cadi and Nadir were to be elected by the native college. They have been induced to give way on this point by the argument advanced by the French Government that it would create a most unpleasant situation in the French and Spanish zones if the natives, seeing that such officials were elected at Tangier, were to agitate for a similar arrangement in the rest of Morocco. In accepting the French proposal, however, His Majesty's Government have insisted on a modification providing that a bare majority of the Committee of Control will suffice to call for the dismissal of unsatisfactory officials.



*Article* 118.—The changes in the old article 120 correspond to those shown in article 3. (See observations above.)

*Article* 126.—The reason for the modification of the strict prohibition of gambling at Tangier, as provided in the original article 128, is fully set forth in Sir E. Crowe's memorandum of the 19th September. (Morocco print, section 2, 19th September.) The new article, as compleled by the draft note, wnich it is proposed that the three Governments should exchange on the subject, appears to offer a very satisfactory solution of a difficult question, and His Majesty's Government are confident that the new arrangement will commend itself to the Spanish Government.

*Judicial Dahir.*

No alteration has been in the body of the draft dahir respecting judicial organisation, but the title of the dahir has been amended as shown.

Acting on a suggestion made by the French Government, in which it is understood that the Spanish Government concur, His Majesty's Government, have, however, instructed Mr. Brunyate to collaborate with his colleagues on the judicial commission which met at Madrid during the sittings of the Tangier Mixed Commission in drafting an article for insertion in this dahir, defining the judicial functions of the Cadi and instituting some means of appeal from his judgments, in the sense of the draft note annexed hereto.

In reply Mr. Brunyate has expressed his personal opinion that the article proposed should be inserted in the "dahir général" rather than in the judicial dahir. It is a matter of indifference to His Majesty's Government in which decrees the new article is eventually inserted, so long as it appears somewhere.

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[51843] No. 127.

*Sir Edward Grey to Sir A. Hardinge.*

(No. 148. Confidential.)

Sir, *Foreign Office, November* 15, 1913.

IT has appeared from recent communications made verbally to this Department by the Spanish Ambassador in London that a certain amount of irritation has been caused at Madrid by the Anglo-French negotiations which have taken place on the subject of the internationalisation of Tangier since the termination of the labours of the Madrid Commission.

The matter has been fully explained to Señor Merry del Val, but I desire to state to your Excellency, for confidential communication, if necessary, to the Spanish Government, the following record of the circumstances in which the somewhat protracted discussions with the French Government have taken place:—

The final sitting of the Madrid Commission was held on the 2nd June last, when a certain number of points were left unsettled, and the whole draft Tangier Convention and dahirs in the shape in which they then stood were accepted by the three delegates *ad referendum* to their several Governments.

It then became the duty of His Majesty's Government to consider carefully the drafts, and to settle any outstanding questions by diplomatic negotiation with the two other parties to the Madrid conference.

Mr. White was accordingly instructed to return to London without delay to discuss the whole question with this Department. He met and talked with M. Dupeyrat on passing through Paris, when the latter offered, in order to expedite the necessary exchange of views between the three Governments, himself to come to London, to settle any points of difference between England and France, and thus facilitate and prepare the further discussion with the Spanish Government. M. Dupeyrat accordingly came to London at the end of June, and, as a result, a full agreement with the French Government was promptly arrived at, and His Majesty's Government were ready to present their proposals in the shape of revised drafts to the Spanish Government at the beginning of July.

Owing, however, to reasons with which His Majesty's Government have no concern, and with which the Spanish Government are no doubt fully acquainted, the French Government unexpectedly, and at the eleventh hour, revoked their assent to the arrangements settled with M. Dupeyrat and embodied in the revised draft instruments. This prevented His Majesty's Ambassador at Madrid from acting on the instructions which had actually reached his hands to present the documents to the Spanish Government, since it was useless to put forward proposals involving in some points concessions made in deference to French objections, if it remained uncertain whether the French Government would accept the revised provisions. The attitude of the French Government was not defined until quite recently, since when every effort had been made by His Majesty's Government to bring the matter to a satisfactory conclusion, so as to resume the discussion at Madrid.

His Majesty's Government are anxious that the Spanish Government should fully understand that nothing was further from their intentions than to show any discourtesy to the Spanish Government by appearing to exclude them from the discussions which have taken place. It appeared at the time the most appropriate and convenient course that the British and French Governments should rapidly settle outstanding differences between them and then approach the Government of His Catholic Majesty with a fully-elaborated scheme from which those differences had been eliminated, and it has been a matter for regret to His Majesty's Government that so much time should have been lost in submitting the revised texts to the Spanish Government.

I am, &c.
E. GREY.

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[51718] No. 128.

*Sir Edward Grey to M. Cambon.*

*Foreign Office, November* 19, 1913.

Your Excellency,

ON the 13th instant your Excellency enquired verbally of Sir Arthur Nicolson whether His Majesty's Government would be prepared to modify their attitude regarding the arms traffic in Morocco, and to agree that British subjects indicted for importing arms should be liable to trial before the Council of War established by General Lyautey, instead of before the British consular courts.

In reply, I have the honour to inform your Excellency that His Majesty's Government regret that so long as British consular jurisdiction is operative in Morocco they are not in a position to consent to British subjects being made justiciable before French tribunals, whether military or civil. British subjects have a treaty right to be tried in a consular court, and this is not a right which His Majesty's Government have power to set aside or curtail.

Whilst regretting the inability of His Majesty's Government to meet the wishes of the French Government, in this matter I desire to point out to your Excellency that no serious difficulty can arise out of this state of things for the French authorities, seeing that the British consular courts are fully empowered to deal adequately with any offences committed by British subjects or British protected persons in Morocco in connection with the illicit trade in arms.

I have, &c.
E. GREY.

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[52631] No. 129.

*Sir F. Bertie to Sir Edward Grey.—(Received November* 20.)

(No 568.)

Sir,

*Paris, November* 19, 1913.

WITH reference to your despatch No. 641 of the 24th ultimo, I have the honour to transmit to you herewith a copy of a memorandum confirming the information already conveyed to you in my despatch No. 540 of the 3rd instant with regard to the Société internationale d'Études et de Travaux au Maroc and other companies of a similar nature, and giving further details with regard to them.

I have, &c.
FRANCIS BERTIE

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Enclosure in No 129.

*Memorandum.*

SOCIÉTÉ internationale d'Études et de Travaux au Maroc, 37, Boulevard Voltaire, Paris.

Cette Société a son siège au 137, et non au 37, Boulevard Voltaire. A cette adresse, on nous a dit que la Société est en formation et qu'on ne peut nous donner des renseignements sur elle avant un mois. Ce renseignement nous a été donné par la Société Paris-Maroc, dont le siège social est à cette même adresse. Il semble qu'elle n'a pas d'attache avec les sociétés dont il va être question ci-après.

2. Il a existé une Société d'Etudes de Travaux publics au Maroc, 15, Rue Pasquier, qui, fondée en 1904, au capital de 300,000 fr., a été dissoute en 1906.

MM. Cornelis de Witt et de Caqueray en étaient les liquidateurs. Une assemblée générale, tenue le 18 avril, 1907, au siège social, a donné quitus aux liquidateurs.

Le conseil d'administration de la Société était composé de MM. Jules Gouin, président; Eug. Schneider, vice-président; Marquis de Frondeville; Gaston Gouin; J. Hersent; C. de Witt.

3. La Société d'Etudes de Travaux publics au Maroc était une création du groupe Crédit foncier d'Algérie et de Tunisie, qui a fondé également la Société marocaine de Travaux publics.

Cette Société est au capital de 2,000,000 de francs, dont :

| | Fr. |
|---|---|
| Groupe français | 1,000,000 |
| Groupe allemand | 600,000 |
| Groupe anglais | 125,000 |
| Groupe espagnol | 100,000 |
| Groupe belge | 50,000 |
| Groupe suédois | 50,000 |
| Groupe italien | 50,000 |
| Groupe portugais | 25,000 |

Son siège social est 43, Rue Cambon, au Crédit foncier d'Algérie et de Tunisie.

Son conseil d'administration est composé comme suit (d'après l' "Annuaire," publié fin 1913, par le Crédit foncier d'Algérie et de Tunisie) :

M. André Lebon, président, 2, Rue de Tournon, Paris (Français).
M. Lauter, vice-président, 111, Bismarckstrasse, Berlin (Allemand).
M. le Marquis de Villamejor, vice-président, Madrid (Espagnol).
M. Gaston de Caqueray, 4, Avenue Hoche, Paris (Français).
M. Jules Dollfus, 92, Boulevard Maillot, Neuilly-sur-Seine (Français).
M. Henri de Freycinet, 54, Rue de Londres, Paris (Français).
M. le Marquis de Frondeville, 13, Rue Daru, Paris (Français).
M. Georges Hersent, 56, Avenue du Bois de Boulogne, Paris (Français).
M. Berthold de Jahn, Tanger (Allemand).
Mr. Robert Norton, 211, King's Road, Londres (Anglais).
M. Adolphe Renschausen, Dresde (Allemand).
M. François Werner, Munich (Allemand).

4. Société internationale pour le Développement de Tanger.

Cette Société est en formation, toujours par le même groupe, au capital [ ? ] dont : 30 pour cent France; 20 pour cent Angleterre; 15 pour cent Allemagne; 15 pour cent Espagne; [ ? ] pour cent [ ? ].

5. La Société internationale pour le Développement de Tanger est-elle chargée d'un plan de travaux pour le port de Tanger?

On ne croit pas que cette Société soit chargée jusqu'ici des travaux du port de Tanger, car il ne semble pas que la concession de ces travaux ait été encore donnée.

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[53194] No. 130.

*Sir A. Hardinge to Sir Edward Grey.—(Received November* 24.)

(No. 182.)

Sir,

*Madrid, November* 19, 1913.

I HAVE the honour to acknowledge the receipt of your despatches Nos. 147 and 148 of the 15th instant respecting the internationalisation of Tangier, and to transmit herewith copy of a note which I am addressing on the subject in accordance with your instructions to the Spanish Minister of State.

As his Excellency's weekly reception took place yesterday, I called on the Marquis of Lema, and informed him that I had received instructions to transmit to him, and was preparing a note to that effect, the draft convention and dahirs which had formed the subject of discussion and agreement between His Majesty's Government and that of France, but that I had thought it desirable to lose no time in making, in connection therewith, a confidential communication to him. I then showed him, as he is well acquainted with English, the text of your despatch No. 148, Confidential, of the 15th instant.

His Excellency read and returned this paper to me, observing that he greatly appreciated the friendly and courteous manner in which you had dealt in this manner with the Spanish Government. The term "irritation" did not quite express their feelings, and they had never had any complaint to make of your attitude, but they had felt dissatisfaction at the continued delays in communicating to them the proposals which the French representative had been discussing in London, in spite of repeated enquiries made by them in Paris. They had been given to understand that when President Poincaré paid his visit to Madrid M. Pichon would bring some proposals with him, but in this they had been disappointed, and they had since failed to elicit any information either from the Quai d'Orsay or from the French Chargé d'Affaires here. I said that M. Vieugué, whom I had seen the same morning, was, I believed, writing a note to the Ministerio de Estado on the subject (I have since heard that it reached that Department at 1 P.M. yesterday), so that the drafts, accompanied by notes by both embassies, would be in his Excellency's possession very shortly. We did not discuss their provisions, as I thought it better that the Minister should himself study them at leisure. I think, however, that the language of your despatch No. 148 produced a most excellent impression upon his Excellency, and will go far to allay any sensitiveness as to the method of procedure which has been followed in the matter.

I have, &c.
ARTHUR H. HARDINGE.

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Enclosure in No. 130.

*Sir A. Hardinge to the Marquis of Lema.*

Your Excellency, *Madrid, November* 18, 1913.

I HAVE the honour to inform your Excellency, by direction of His Majesty's Principal Secretary of State for Foreign Affairs, that the discussions between His Majesty's Government and that of France, which have been in progress for some time past on the subject of the arrangements left incompletely settled by the Mixed Commission at Madrid for the internationalisation of Tangier, have now been brought to a satisfactory conclusion so far as they are respectively concerned. I have at the same time the honour to enclose copies of the convention, "Dahir général," and Judicial Dahir, in their final shape, as accepted by His Majesty's Government and the French Government, with a view to obtaining the concurrence of the Government of His Catholic Majesty in the various alterations and additions which have been introduced into these instruments since the termination of the sittings of the Madrid Commission.

In doing so I am to invite your Excellency's attention to the changes introduced into these documents as originally drawn up *ad referendum* by the delegates of the three Powers at Madrid and at San Sebastian. Your Excellency will observe that article 8 of the convention, which deals with religious worship, remains reserved, but it is the earnest desire of His Majesty's Government that it should in its final form provide for the fullest freedom in this respect to all churches and sects. You will also notice (1) that article 92 of the "Dahir général" contains a clause to which His Majesty's Government has obtained the adhesion of France, whereby the powers of the chief executive officer are definitely limited in a manner which will, it is hoped, fully meet the objections raised by that of Spain, as well as (2) the important concession made to the wishes expressed by the Government of His Catholic Majesty in Sir Edward Grey's agreement to the maintenance of any consular jurisdiction in Tangier. His Majesty's Government are of opinion, with reference to this latter point, that it should be agreed that after a period of, say, three years the question of complete abolition of consular jurisdiction should be reopened, and I am to add that, so long as it is maintained in the international zone, the withdrawal of their own consular



jurisdiction in the Spanish protectorate must remain for them a matter of consideration.

I trust that the examintaion of these drafts by His Catholic Majesty's Government may result in their receiving its approval and that a harmonius settlement of this complex question, of a nature to afford satisfaction to the various sentiments of all the three Powers concerned, may be at length happily effected.

I avail, &c.
ARTHUR H. HARDINGE.

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[53842] No. 131.

*Mr. Norton to Foreign Office.—(Received November* 28.)

Sir, *Argyll House, Chelsea, November* 27, 1913.

IN your letter of the 24th July last you informed me that His Majesty's Government had come to an agreement with the French, German, and Spanish Governments that the subsidiary company to be formed by the Société marocaine de Travaux publics, and entitled "La Société internationale pour le Développement de Tanger," should be invited to submit "a detailed scheme for building and exploiting the harbour of Tangier."

On receipt of this communication, the société at once proceeded to draw up and submit such a scheme. With the cognisance of the French Foreign Office, negotiations have been conducted with M. Porché, head of the Service of Public Works at Tangier, who is now on the point of leaving for Morocco furnished with a complete draft of the proposed scheme, including the scale of charges to be eventually levied.

It is M. Porché's intention to submit this scheme to the doyen of the Corps diplomatique at Tangier and to propose that an international commission, which might consist of an English, a German, a French, and a Spanish representative, should be appointed to meet in Paris with full powers to settle the text of the concession, approve the technical plans, and appoint the concessionnaire. I apprehend that this procedure is in accordance with the wishes of His Majesty's Government expressed in the letter to which I have referred, and, should such a commission be appointed, the matter can doubtless be brought to a conclusion without further delay. It is of course understood that the concession asked for is only for the "exploitation" of the port; the construction, in accordance with the Act of Algeciras, having to be submitted to open tender by the concessionnaire company.

Yours truly,
ROBERT D. NORTON.

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[54213] No. 132.

*Mr. White to Sir Edward Grey.—(Received December* 1.)

(No. 359.)

Sir, *Tangier, November* 20, 1913.

IN a conversation I had with M. Gaillard this afternoon he touched upon the subject of the habous, which is under his Department, and assured me that it was the intention of the protectorate authorities to adhere strictly to the provisions of the Algeciras Act in this matter, and submit the question for discussion as laid down in article 63. He drew a distinction between habous properties held on an ordinary lease and those of which the occupiers possessed the "key" right. The former category he considered were on a separate footing and outside the scope of article 63. The question of the rent to be paid by the tenants of these properties was one for settlement between them and the administrators; it was not intended to make any sudden change, but to raise the rents very gradually.

With regard to properties on which the right of the "key" existed, he considered that no general rule could be applied, but that special commissioners should examine each individual case in the various towns so as to arrive at an equitable settlement that would safeguard the interests of the Government whilst taking into account the acquired rights of the tenants. M. Gaillard observed that the question of habous and of Government properties was of the greatest importance to the Makhzen; these properties should bring in a very large revenue; at present they produced but little to the Government, whilst the tenants often derive enormous profits from them.

I told M. Gaillard that I agreed with him that it was desirable to examine each case separately with a view to arriving at an equitable solution. I regarded the question as one of the most difficult with which we had to deal, and it was one which especially affected British subjects, as our principal firms, being the longest established in this country, had the largest interests both in Makhzen and in habous properties. We were, therefore, naturally bound to see that those interests were not sacrificed. These old firms that have held the properties in question for a great number of years could not be put on the same footing as those who had obtained possession of such properties during the last few years merely as a speculation.

I have, &c.
HERBERT E. WHITE.

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[54214] No. 133.

*Mr. White to Sir Edward Grey.—(Received December 1.)*

(No. 360.)

Sir, *Tangier, November 21, 1913.*

I HAVE the honour to transmit herewith copy of an "arrêté résidentiel" published in the "Bulletin officiel" of the 14th instant, instituting a Committee of Legislation composed of the Secretary-General of the protectorate, the First President of the new Tribunal, the procureur général, the judges of the Courts of Appeal, the head of the Diplomatic Bureau, a delegate of the Secretary-General of the Shereefian Government, and the head of the Political Bureau.

The head of the department interested will join the committee as a temporary member, when regulations drawn up in his department are under discussion.

All regulations or other legislative measures will be submitted to the committee for approval or revision before promulgation.

It is to be hoped that the creation of this committee will have a good effect; it will tend, at any rate, to prevent the enforcement of ill-considered regulations, and, as orders have been given that all municipal or other local regulations must be submitted to the Resident-General for approval, greater uniformity may be expected in such regulations.

I have, &c.
HERBERT E. WHITE.

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Enclosure in No. 133.

*Extract from the "Bulletin officiel" of November 14, 1913.*

ARRÊTÉ RÉSIDENTIEL INSTITUANT UN COMITÉ DE LÉGISLATION.

LE Commissaire Résident général de la République française au Maroc;

Considérant que l'unité de vues des services de la Résidence générale est nécessaire au premier chef pour la bonne élaboration des textes réglementaires soumis à l'approbation du Gouvernement chérifien,

Arrête :

Article 1er. Il est institué auprès du Secrétariat général du protectorat un Comité de Législation chargé de l'étude et de l'examen des divers textes réglementaires élaborés par les services en vue d'être soumis à l'approbation du Gouvernement chérifien.

Art. 2. Le Comité de Législation est composé :

Du Secrétaire général du protectorat, Président;
Du Premier Président;
Du Procureur général;
Des Conseillers à la Cour;
Du Chef du Bureau diplomatique;
Du délégué du Secrétaire général du Gouvernement chérifien;
Du Chef du Bureau politique, membres permanents;
Du délégué du Secrétaire général, ou Directeur général, ou Chef de Service dont le Service a élaboré le projet soumis à l'examen du Comité, membre temporaire.



Art. 3. Un membre rapporteur sera désigné pour chaque affaire par le président du Comité.

Art. 4. Le texte adopté par le Comité sera transmis au Secrétaire général, Directeur général, Chef de Service dont le Service a élaboré le projet pour être soumis par lui, après nouvel examen s'il y a lieu, et visa du Secrétaire général du protectorat, à l'approbation du Commissaire Résident général.

Art. 5. M. Guillier, juge consulaire, est provisoirement chargé des fonctions de Chef du Secrétariat du Comité; M. Boyer, rédacteur, des fonctions de secrétaire.

Fait à Rabat, le 8 novembre, 1913.

LYAUTEY.

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[54218] No. 134.

*Mr. White to Sir Edward Grey.—(Received December 1.)*

(No. 364.)

Sir, *Tangier, November 23, 1913.*

WITH reference to my despatch No. 343 of the 9th instant, I have the honour to report that the state of affairs in the Spanish zone shows no improvement; on the contrary Spanish military inaction appears to have emboldened the natives, who have recommenced their attacks not only on Spanish outposts but also on villages that have submitted to the Spaniards. Thus the village of Khalwa, not far from Arzila, was attacked a few days ago by mountaineers under the command of Raisuli, who, however, did not himself join in the attack. This village is but a short distance from a Spanish post, and the mountaineers had to cross the Tangier-Alcazar and Tangier-Arzila roads to reach it, which shows that there is but little security now even in the occupied parts of the Spanish zone; indeed, last week General Silvestre requested the British vice-consul at Laraiche to warn a compatriot that it would not be safe to proceed by land from Arzila to Laraiche.

In the Tetuan and Ceuta districts attacks on outposts and isolated parties of soldiers have recommenced, and even in the Riff, at Alhucemas and Peñon de la Gomera, there has been a recrudescence of hostilities.

A new feature has been the arrival of a military airman section at Tetuan under the Infante Alfonso, who has made several successful flights in that neighbourhood. A few days since, however, two officers of the section whilst flying too low over a hill, on which some natives were posted, were received with a volley of rifle shots. They were both wounded somewhat severely, but happily were able to continue their flight and reach Tetuan.

Unfortunately, the tribesmen are now beginning to show a feeling of hostility towards Tangier, whose neutrality they consider is tainted with too much benevolence towards Spain, the Spanish forces being allowed to use Tangier as a base for receiving their provisions, and probably ammunition; whilst even the native women coming into market are fired on by the Spaniards without protest being made.

The tribesmen have now established a post at Seguidla on the borders of the Spanish zone, between Akbatel-Hamra and Zinats, and prevent the natives from bringing any provisions into the Tangier market. They have threatened the neighbouring villages in the Tangier zone, and make raids in that district. This may possibly lead to an encounter with the French police, who patrol that part for the protection of the villages.

Between the Spaniards and the tribesmen, Tangier is practically in a state of siege and no provisions, fuel, &c., now come into the market, which is very hard on the poorer classes as prices have risen to such a high level that they find it difficult to obtain the necessaries of life. This is naturally apt to engender a general spirit of discontent.

It is to be hoped that the present state of affairs will not last long, as the position might become serious. Unfortunately, one can see no immediate prospects of improvement, as the Spanish Government appear to have adopted a policy of drift, and to have given orders that no military operations be undertaken. On the other hand, instead of an attempt being made to win over the natives and gain their confidence, they are needlessly angered by being wantonly fired upon by the troops. It is possible that such acts are committed without the knowledge or approval of the superior officers and

doubtless they would be denied if any representations were made on the subject, whilst one could bring forward no proof except the statements made by the natives. So I have not thought it desirable to mention them to the Spanish Chargé d'Affaires.

I have, &c.
HERBERT E. WHITE.

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[54628] No. 135.

*Note communicated by French and Spanish Ambassadors, December* 1, 1913.

L'AMBASSADEUR de France a l'honneur de remettre, ci-joint, au Secrétaire d'État pour les Affaires Étrangères, le nouveau Règlement minier marocain* qui remplace celui dont le texte avait été communiqué le 30 avril dernier. Le Règlement minier sera très prochainement promulgué sous forme de dahir par Sa Majesté le Sultan pour la zone française et par le Khalife de Sa Majesté Impériale pour la zone espagnole; sa promulgation dans la zone de Tanger sera réservée jusqu'à la constitution de la municipalité.

Le Gouvernement de la république prend très volontiers l'engagement, en ce qui le concerne, de ne provoquer aucune modification des articles 52 et 60 du Règlement minier et de ne pas laisser modifier les taux des taxes prévues aux articles 19 et 32 avant un délai de sept années à partir de la publication du dahir; de même le taux de la taxe prévue à l'article 46 ne sera pas changé avant un délai de dix ans à partir de la même date. Il reconnaît également que dans le cas prévu par l'article 42 du Règlement minier, la procédure instituée par les articles 116 à 119 de l'Acte d'Algésiras restera, jusqu'à la reconnaissance des tribunaux français du protectorat, à la disposition des parties qui, y ayant droit, en feront la demande.

M. Paul Cambon transmet également ci-joint à Sir Edward Grey un projet de règlement relatif à la solution des litiges antérieurs à la publication du Dahir minier*; il serait très heureux de savoir si le Gouvernement britannique approuve ce projet et veut bien en conséquence désigner, dans la commission arbitrale prévue à l'article 1er, un représentant chargé de la défense de ses nationaux.

*Ambassade de France, Londres,*
*le 1er décembre*, 1913.

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[54392] No. 136.

*Mr. White to Sir Edward Grey.—(Received December* 2.)

(No. 367.)

Sir, *Tangier, November* 26, 1913.

I HAVE the honour to transmit herewith an extract from the "Bulletin officiel" containing a Shereefian "dahir" instituting a Commission of Criminal Appeal and Pardon at Rabat, composed of the Secretary-General of the Shereefian Government, a delegate of the Minister of Justice, the head of the Judicial Service or his delegate, a delegate of the Director-General of Finance, and a delegate of the Director of the Bureau politique.

The Commission will deal only with sentences pronounced by governors or other officials having jurisdiction exclusively over unprotected Moorish subjects.

When M. Gaillard, the Secretary-General of the Shereefian Government, was at Tangier I enquired of him what provision it was proposed to make in the French zone for appeals from decisions of the cadi.

He informed me that, as by Shraa the parties have a right of appeal to the Sultan as Emir-el-Moumenin, it had been decided to institute a consultative commission of ulema to whom the Sultan could refer all appeals for an opinion upon which to base his judgment.

I have, &c.
HERBERT E. WHITE.

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* Not printed.



Enclosure in No. 136.

*Extract from the "Bulletin officiel" of November* 21, 1913.

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DAHIR INSTITUANT UNE COMMISSION DE REVISION DE JUSTICE CRIMINELLE ET DES GRÂCES.

Louange à Dieu seul!

(Grand sceau de Moulay Youssef.)

A NOS serviteurs intègres, les gouverneurs et caïds de notre Empire fortuné, ainsi qu'à nos sujets. Que l'on sache, par les présentes—puisse Dieu Très-Haut en illustrer la teneur—ce qui suit:

Considérant qu'il importe au premier chef, dans l'intérêt supérieur de la justice, d'assurer à nos sujets le maximum de garanties relativement à l'examen des demandes en remise de réduction ou commutation de peines,

Nous avons décrété:

Article 1er. Il est institué à Rabat une Commission de Revision de Justice criminelle et des Grâces, chargée d'examiner les demandes en remise ou réduction de peines formées par les sujets de notre Empire, non protégés étrangers, condamnés par les caïds et pachas ou par toute autre juridiction réservée aux seuls sujets de notre Empire non protégés étrangers. La même Commission examinera pareillement les demandes en remise ou réduction de peines formées par des tiers dans l'intérêt des condamnés ou présentées d'office par les fonctionnaires de notre Administration chérifienne.

Art. 2. Cette Commission se compose de:

Le Secrétaire général du Gouvernement chérifien, Président;
Un délégué de notre Ministre de la Justice;
Le Chef de Service judiciaire, ou son délégué;
Un délégué du Directeur général des Finances;
Un officier délégué par le Directeur du Bureau politique;

Membres:

Un interprète désigné par le Secrétaire général du Gouvernement chérifien, Secrétaire de la Commission, avec voix consultative.

Art. 3. La Commission sera immédiatement saisie des requêtes en remise, réduction ou commutation de peines qui parviendront au Mahkzen ou à une des Administrations de notre Empire; après examen de ces requêtes, des rapports ou des renseignements fournis par les autorités ou juridictions qui auront statué et des renseignements ou rapports émanant des délégués de notre Gouvernement près ces autorités ou juridictions, elle arrêtera une décision qui sera transmise à notre Grand Vizir ou à celui de nos Ministres que nous aurons spécialement désignés à cet effet pour être statué ce qu'il appartiendra. Les décisions définitives prises seront exécutées à la diligence du Secrétaire général du Gouvernement chérifien.

Art. 4. La Commission fixera le lieu de ces délibérations et se réunira chaque fois qu'il paraîtra nécessaire. La présence de trois de ses membres ayant voix délibérative sera nécessaire pour qu'elle puisse se composer. Le Secrétaire général du Gouvernement chérifien pourra se faire représenter; au cas où ce haut fonctionnaire ne siégerait pas en personne, la Commission désignera son président pour la séance.

Fait à Marrakech, le 10 kaada, 1331 (12 octobre, 1913).

Vu pour promulgation et mise à exécution:
Le Commissaire Résident général,
LYAUTEY.

*Rabat, le 4 novembre*, 1913.

[54996] No. 137.

*Viscount Kitchener to Sir Edward Grey.—(Received December 6.)*

(No. 135.)

Sir, *Cairo, November* 30, 1913.

I HAVE the honour to acknowledge the receipt of your despatch No. 188 of the 1st instant, transmitting, for the observations of the legal advisers of the Egyptian Government, the Presidential and Shereefian Decrees establishing a new jurisdiction in the French protectorate of Morocco.

In obedience to your instructions, I requested the Judicial Adviser to undertake the examination, from the points of view indicated in your despatch, of the documents communicated by the French Government. Sir Malcolm McIlwraith has furnished me accordingly with a memorandum on the subject, which I beg to forward herewith.

Mr. W. E. Brunyate, Khedivial Counsellor in the State Legal Department, has recently, as you are aware, collaborated in the organisation of the judicial system which it is proposed to create for the Tangier international zone. He has thus been brought into close contact with the French jurist, M. Berge, who, after serving on the commission charged with drafting the Moroccan codes now under discussion, has been appointed First President of the Court of Appeal at Rabat. I thought it advisable to refer the French proposals for Mr. Brunyate's observations, and these are embodied in the note which forms a second enclosure in this despatch.

No useful purpose would, I think, be served by my attempting to summarise the documents hereby submitted for your consideration, but it is clear that both writers are of the opinion, in which I concur, that, while there are in the French scheme certain points on which assurances as to future or amending legislation might be asked, the scheme, as a whole, is one the acceptance of which would not prejudice British interests.

If this opinion meets with your approval, I anticipate that His Majesty's Government, when replying to the French Government in the above sense, would desire to secure at the same time the frankest possible acceptance of the Egyptian scheme on the part of the French Government.

It seems to me that both the French Government and ourselves have now gone far enough in proposing means for carrying out the abolition of the Capitulations in Morocco and Egypt respectively to enable the two Governments to decide at once on the principle of their abolition, leaving to technical advisers the discussion and settlement of the various points of detail on either side that may require adjustment. The latter would then take into consideration the points raised by Sir M. McIlwraith and Mr. Brunyate, which might be pressed or not, according to the line taken by the French Government regarding any amendments they may have to make in our proposals regarding Egypt.

If a reply to the memorandum communicated to M. Pichon by Sir F. Bertie on the 17th ultimo may be expected in the near future, I venture to suggest that it might perhaps be better to await its arrival before committing ourselves at any rate to more than a very general statement that we see nothing in the French proposals which should be incapable of arrangement if their reply to our own is a favourable one.

I have, &c.

KITCHENER.

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Enclosure 1 in No. 137.

*Memorandum by Sir M. McIlwraith.*

WE have been asked to consider the judicial system established by the French Government as the new régime in Morocco, and to give our opinion on the following points, viz. :—

1. Do these proposals call for modifications of the Egyptian scheme?
2. In the light of Egyptian experience, should His Majesty's Government accept these proposals?
3. Should any modifications of them be suggested?



In order to answer these questions intelligibly, it will be convenient to summarise, as briefly as possible, the judicial system which the French Government has now established in Morocco for French citizens, and which it desires to extend to foreigners generally, and to make such observations on it as appear to be called for; to then summarise the existing Egyptian régime; and finally to compare the new Morocco organisation with that which it has been proposed to set up in Egypt, when the Capitulations are abolished. It is believed that this survey will clearly suggest the answers which should be given to the above questions.

## 1. Moroccan Régime.

### (1.) *Judicial Organisation.*

The courts of law instituted in Morocco by decree of the President of the French Republic of the 7th September, 1913, in conformity with the Shereefian dahirs of the 12th August, are organised on the lines of the system in force in Tunis. There is to be a Court of Appeal at Rabat, two Tribunals of First Instance at Casablanca and Oudja, and five Justices of the Peace at Rabat, Casablanca, Oudja, Saffi, and Fez. The decisions of the Court of Appeal, as well as those of the Tribunals of First Instance, are given by three judges. The Justices of the Peace, of course, sit alone.

### (2.) *Civil Jurisdiction.*

The French tribunals have jurisdiction in all civil and commercial cases in which French citizens or persons subject to French jurisdiction are parties (see Dahir on Judicial Organisation, article 2, p. 9).

The Justice of the Peace has a general jurisdiction in all purely personal actions relating to movables, up to 500 fr., without appeal, and up to 1,000 fr., subject to appeal before the Tribunal of First Instance (article 1, Dahir on Civil Procedure, p. 19). He also has a further and more extensive special jurisdiction in a number of other matters set forth in article 2, *et seq.*, of the same dahir (p. 19).

The Tribunal of First Instance has general jurisdiction in matters relating to movables from 1,000 fr. to 3,000 fr. without appeal, and beyond 3,000 fr. subject to appeal before the Court of Appeal (article 16 of the Dahir on Civil Procedure, p. 21). As regards real property this tribunal decides, without appeal, in all cases where the income of the property does not exceed 120 fr. But in such matters the jurisdiction of the French courts is restricted to cases in which Frenchmen only are parties (see article 3 of the Dahir on Judicial Organisation, p. 9), unless the land has been registered in the Land Registry, under the provisions contained in the Dahir relating to the Registration of Land (article 3, p. 206).

Further, the First Instance Courts decide finally all appeals from the decisions of the Justices of the Peace (article 16 of the Dahir on Civil Procedure, p. 21).

The Court of Appeal decides all cases in which there is an appeal from the Tribunals of First Instance (see article 20 of the Dahir on Civil Procedure, p. 22).

The functions of the Judge in Chambers ("Juge des référés") are exercised by the President of the Tribunal of First Instance of the locality where the tribunal sits, and by the Justice of the Peace in all other localities (article 19 of the Dahir on Civil Procedure, p. 22).

### (3.) *Criminal Jurisdiction.*

Besides their jurisdiction as to all offences committed by French citizens, the French Courts take cognizance of all crimes committed by Moroccan subjects against Frenchmen or foreigners, and all crimes and misdemeanours in which Frenchmen are co-principals or accessories. They also have a special jurisdiction, as regards Moroccans, in certain specified criminal, delictual, and police offences (article 6, Dahir on Judicial Organisation, p. 10).

The Justices of the Peace have jurisdiction in police offences and misdemeanours, punishable by fine only, as well as in misdemeanours in which the maximum penalty does not exceed two years' imprisonment, except embezzlement and simple bankruptcy offences (Dahir on Judicial Organisation, article 9, p. 10).

The Tribunals of First Instance have an appellate jurisdiction in all police offences in which an appeal is permitted in France, as well as in misdemeanour cases falling within the jurisdiction of the Justices of the Peace. They hear, in first instance, misdemeanour cases not within the jurisdiction of such justices.

The Court of Appeal decides appeals in all misdemeanour cases heard by the Tribunals in First Instance.

In cases of crime, the First Instance Tribunals decide finally, with the assistance of six assessors, with the right to vote (see Dahir on Judicial Organisation, article 10, p. 11).

As in Tunis (decree of the 29th November, 1893, article 7), these assessors are all Frenchmen if the accused persons, or any of them, are Frenchmen. If all the accused are foreigners, three of the assessors are of French and three of foreign nationality. If all the accused are natives, three of the assessors are Frenchmen and the other three natives. Finally, if some of the accused are foreigners and some are natives, three of the assessors are Frenchmen, two are foreigners, and one is a native (see article 7 of the Dahir relating to Assessors in Criminal Cases, p. 18).

(4.) *Judges and Functionaries.*

The French Courts in Morocco are exclusively composed of magistrates of French nationality. They are appointed by decree of the President of the Republic, on the proposition of the Ministers of Justice and Foreign Affairs (Presidential decree, article 2, p. 9, Dahir on Judicial Organisation, article 1, p. 9, and article 23, p. 12).

The officials of the secretariats or registries are also exclusively of French nationality (Dahir on Civil Procedure, article 27, p. 23).

Foreigners are admitted to practise at the Bar, but only on condition that they hold the diploma of Licentiate of Laws granted by a French faculty of law (Dahir on Civil Procedure, article 34, p. 24), and the "Bâtonnier" must be chosen from among the advocates of French nationality (Dahir on Civil Procedure, article 39, p. 24).

(5.) *Criminal Legislation.*

Article 14 of the Dahir on Criminal Procedure simply renders applicable to Morocco the French Penal Code (p. 18). Similarly, the French code of criminal procedure is adopted, with some minor changes necessitated by the altered conditions of judicial organisation in Morocco (Dahir on Criminal Procedure, article 13, p. 17).

(6.) *Civil Legislation.*

The dahir forming the "Code des Obligations et des Contrats" in 1,250 articles (pp. 78–172) corresponds to that part of the French Civil Code which relates to obligations and contracts in general. It is largely founded on the Tunisian Code of 1905, which was the work of a commission composed of ten native jurists. This code has given full weight to the provisions of the Mahommedan religious law and has been recognised as orthodox by the competent authorities concerned. Its application in Tunis is said to have given rise to no difficulties.

(7.) *Commercial Legislation.*

The Code of Commerce, in 389 articles (pp. 172–206), is a rather bald adaptation of French legislation. The part relating to the law of common carriers ("Contrat de Transport") (Book I, Title VII, pp. 177–182) is alone dealt with in a fairly full and, to some extent, original manner. The provisions relating to companies are meagre, and as regards limited liability companies and commandite partnerships the Code merely refers to French legislation (article 51 of the Code of Commerce, p. 176).

There are no provisions relating to insurance, nor is maritime law dealt with at all. It is explained in the general report that this latter subject is not pressing and will be proceeded with later.

(8.) *Civil Procedure.*

The Code of Civil Procedure in 557 articles (pp. 19–66) is certainly the most novel portion of this legislation. The Commission has had the good sense to abandon definitely old French traditions of procedure which have survived from the ancient Royal Ordinance of 1667 to the present day, having been merely handed on by the Procedure Code of 1806.

The law of the 22nd July, 1889, concerning procedure before the prefecture councils, and the native procedure Code in force in Tunis, are the principal sources from which the procedure to be applied in the new Moroccan Courts has been derived.



The chief characteristics of this procedure are the suppression of compulsory intermediaries between the suitor and the judge (avoués, huissiers, notaires, &c.), and the direction of the procedure by the judge himself. It is the judge who orders the various notifications, summonses, &c., to be made, and these are effected by the secretariat of the court, directly or by post. The procedure is oral before the Justices of the Peace, and written in the other tribunals. Execution procedure is greatly simplified. There can be little doubt that, from the point of view of celerity and simplicity, the new provisions are a considerable advance on the existing French Code of Civil Procedure.

Another interesting feature of the new legislation is the series of provisions relating to the procedure to be followed where difficulties arise on questions of personal status. These rules have been drawn up with a view to harmonising the different and often conflicting national laws which the French tribunals will have to apply, whenever the foreign Powers agree to give up their present capitulation privileges and allow these questions to be dealt with by the local Courts (article 394 *et seq.*, p. 52 *et seq.*).

(9.) *Miscellaneous.*

(*a.*) The dahir on the civil status of Frenchmen and foreigners, in 20 articles (pp. 77–78), is intended to solve various conflicts of law which may arise. It is a somewhat incomplete but interesting effort at the codification of more or less well-recognised principles of private international law.

(*b.*) The dahir regulating costs, in 48 articles (pp. 66–74), constitutes a tariff in civil cases, including notarial deeds, and is based, according to the report of the Commission, on the tariff of the diplomatic and consular chanceries, with reductions in certain minor matters (articles 1–47). The criminal tariff is the same as in France (article 48, pp. 74–77).

(*c.*) The dahir relating to suits *in formâ pauperis*, in 21 articles (pp. 74–77), regulates the conditions under which indigent persons are allowed to sue without the payment of fees. It presents no features of special interest.

(*d.*) Finally, the dahir relating to the registration of land, in 109 articles, is designed to introduce progressively in Morocco the system of registration of title known as "Livres fonciers." This dahir is based on the Tunisian law on the same subject. Considering the approval which the French Government has frequently manifested for this principle, and its adoption in Tunis and now in Morocco, it is somewhat remarkable that it should have constantly opposed its introduction in Egypt, and has not to the present time replied to the circular of the Egyptian Government on the subject of June 17th, 1908.

Such, in brief outline, is the general scheme of legislation to be applied in Morocco. We are invited to criticise it, and it is suggested that detailed observations may be written on the interleaved pages of the volume which accompanies the despatch. We do not think it advisable to criticise in detail. These laws constitute entire codes, and while it is evident that no codes, or, indeed, any other laws, are perfect, and may be criticised and objected to *ad infinitum*, these have been elaborated by a large and highly competent commission, composed of some of the most eminent jurists in France, who sat in council for several months, and any attempt to formulate detailed and authoritative criticism of the results of their labours would entail an investigation which might last for a considerable time, and would not then, in all probability, serve any useful purpose, besides doubtless causing a good deal of irritation. All, therefore, that appears to us to be of advantage, for the moment, is to offer a few general remarks, not upon points of detail, but on the system as a whole, as it appears from the above summary, and the lacunæ which seem to us the most striking.

In the first place, then, it will be observed that all the judges and all the functionaries of the new law courts are to be exclusively of French nationality. This was no doubt to be expected, for the same system was adopted in Tunis. As regards the Bar, however, a more liberal policy might have been adopted. No foreigner who does not possess a French diploma is to be allowed to practise in Moroccan Courts, however distinguished he may be as an advocate in his own country. Moreover, the penalties provided in article 47 of the Procedure Code (p. 25) for anyone who wrongfully assumes the style and title of an advocate appear to us excessive. The law of April 18th, 1883, which organised French justice in Tunis, contained in article 10 a provision safeguarding the rights of foreigners practising as advocates at the time. In the somewhat unlikely event of there being any Englishmen, at present practising in

Morocco, outside Tangier, it would probably be desirable to protect their interests by the insertion of some similar provision here.

In the second place, it is not clear to us why the other portions of the Civil Code have remained entirely unrepresented in this new legislation, obligations and contracts alone being dealt with. Thus all that relates to immovable property, real rights, privileges, &c., appears to have remained outside the scope of the new codes, and it is not clear what legislation is applicable to these most important matters, which are of great interest to foreigners, since they are presumably allowed to own land. The absence of any provisions on these subjects is the more remarkable that they are all dealt with, in considerable detail, by the Tunisian Real Property Law of 1885 ("Loi sur la Propriété foncière" of the 1st July, 1885).

Thirdly, the subject of limited liability companies, which will become of great interest to foreigners so soon as foreign capital begins to flow into these regions under the stimulus which the establishment of the French protectorate may be expected to give to trade, is very inadequately dealt with in article 51 of the Commercial Code (p. 176). There are no provisions concerning the grave problem of foreign companies which most modern legislations endeavour to solve in one way or another. This question, by reason of the brevity and inadequacy of the provisions concerning it in Egyptian legislation, has been the subject, in Egypt, of much discussion and of decisions of the law courts, which have given rise to great perturbation in the commercial community and to considerable controversy among lawyers.

Fourthly, it may be observed that the provisions concerning cheques contained in the Code of Obligations and Contracts (articles 330 *et seq.*, p. 102) appear to us to be unduly severe in the case of what may be quite unintentional omissions, and likely to give rise to complaints by English commercial men who are unaccustomed to any such stringent provisions in their own legislation. It is true that these provisions appear to have been merely copied from the old French law on cheques, of 1865; but, as is well known, the institution of the cheque, which is essentially an English and American one, has never become really acclimatised in French commerce and is comparatively little used in France. The present opportunity might therefore have been taken to modernise the system on Anglo-Saxon lines. The point is not, however, of much importance.

## 2. Egyptian Régime.

Turning now from a consideration of the problem as it has presented itself to the French in Morocco, and the manner in which they have dealt with it, to a survey of the position in Egypt with which we ourselves are called upon to deal, we find—in conjunction with considerable similarity of conditions as regards the mentality of the people, their religious prejudices, and their general standard of education—such profound differences in the level of civilisation and development of the two countries that it is somewhat difficult to establish any close analogy between them. This does not, of course, mean that His Majesty's Government is not fully justified in insisting, so far as possible, upon equality of treatment for the two countries. Indeed, having regard to the guarantees of good government afforded by the general conditions of Egypt under the British occupation, the demands for a certain degree of autonomy put forward on behalf of the Egyptian Government appear remarkably moderate when compared with the very large powers which are being taken in Morocco. It is not suggested that, in view of the profound differences between the two countries before alluded to, these powers are, in their ensemble, exorbitant, but it can scarcely be denied that they go far beyond anything which Great Britain is asking for in Egypt, as it will not be difficult to show.

In Morocco, France finds herself practically on virgin soil. The population is sparse and almost totally illiterate. The only tribunals which exist, it is believed, are Religious Courts, dealing exclusively with the affairs of natives, and the Consular Courts, dealing exclusively with those of Europeans. It has accordingly been easy for the French Government to implant in the country an entirely new system of European, *i.e.*, of French, law courts without coming into conflict with any vested rights.

In Egypt, on the other hand, Great Britain finds herself in occupation of a country which is, in many respects, far advanced in civilisation, having, moreover, one of the densest populations, to the square mile, in existence,* and endowed with a network of

* See "The Census of Egypt taken in 1907," Cairo, 1909, Ministry of Finance, p. 3. According to this census, Egypt contained, in 1907, a population of 11,189,978 inhabitants; which gives a density of 939 inhabitants to the square mile, excluding the desert. This is considerably more dense than Belgium—the most thickly populated country of Europe—which has only 588 inhabitants to the square mile, and it seems probable that nowhere outside of Bengal will an area of like size be found carrying so dense a population of a similar non-industrial character.



law courts of various classes and denominations—mixed, native, consular, Mahommedan, and patriarchal—which constitute one of the most complicated and intricate judicial Babels in the world. The system was partly reorganised and much improved more than a generation ago—viz., in 1875 and in 1883, when the Mixed and Native Courts were respectively established—and has been constantly amended, added to, and improved ever since. And as far as the ordinary Courts are concerned, *i.e.*, those which are neither consular nor religious, the present organisation sustains comparison with that of many European countries.

The native Courts are numerous and scattered all over the country. There is a large and well-manned Court of Appeal in Cairo, eight Tribunals of First Instance in the principal towns and in the provinces, 88 Summary Courts and 230 Cantonal and Markaz Courts. The professional judges, who are almost all trained lawyers, holding legal diplomas, number 27 counsellors of the Court of Appeal, of whom 10 are Europeans, and 173 Judges of First Instance, not counting the notables in the provinces who act as unpaid Justices of the Peace. Apart from the law of mixed suits, this body of law courts has general jurisdiction over natives in all civil, commercial, and criminal affairs—the family law alone being withdrawn from their competence and reserved to the religious authorities.

As regards foreigners, the system of Mixed Tribunals established by the Powers of Europe in 1875 has lasted ever since, and has been constantly extended. These Courts contain a European majority on the Bench (5 out of 8 in the Court of Appeal and 3 out of 5 in the tribunals), or are composed of European judges sitting alone, in summary matters. They have general jurisdiction in civil and commercial cases, save in such matters as have been reserved for the Consular Courts—and a certain criminal jurisdiction in bankruptcy, police offences, and some few crimes and misdemeanours. There is a Court of Appeal in Alexandria composed of 17 counsellors, 10 being foreigners, and 3 Tribunals of First Instance at Cairo, Alexandria, and Mansourah, containing 48 judges, of whom 32 are foreigners recruited from 15 different European countries, and almost all of them drawn from the Bench of their own countries.

The Consular Courts continue to have jurisdiction in all matters of personal status concerning foreigners, in criminal and misdemeanour cases in which they become involved, as well as in all civil and commercial disputes between foreigners of the same nationality, save those relating to land, which are reserved for the Mixed Tribunals. Such is, briefly, the system of judicial organisation at present subsisting in Egypt.

Turning now to legislation, we find a similar state of things, that is to say, a *tabula rasa* in Morocco, contrasted with a plethora of legislation here. In Morocco, no body of law applicable to foreigners exists at the present time. The French have been able, therefore, to launch, without any difficulty, an entirely new and more or less complete *corpus juris* for the Government of the new protectorate. As appears from the report of the Commission, and the documents published in the "Official Bulletin" of the 12th September last, in the course of a few months a whole collection of new codes has been drawn up and promulgated. The French Government has been entirely unfettered, from a legislative point of view, by reason of the impossibility of any resistance on the part of the local Government, and the complete absence of any articulate public opinion in the country chiefly concerned. The Shereefian dahirs are promulgated by the French Resident-General, who is answerable to his own Government alone. How great is the contrast between this situation and that of Egypt! Here, we have had in existence for a period of from thirty to forty years two distinct sets of codes, mixed and native—civil, commercial, criminal—together with a collection of laws and decrees which run to some forty volumes and law reports of decided cases which are equally voluminous. This vast body of legislation, on which successive generations of native and foreign lawyers have been nourished, has become so much a part of the national life of the country that, though much of it was imported straight from France and is profoundly unsuited to local conditions, it has been repeatedly recognised, and officially declared, that it would be impracticable now to change its fundamental features. All that it has been proposed to do is to take power to remedy its defects, and supply its omissions, by a less hopelessly dilatory and cumbersome procedure than the one at present in force.

Under that system, no law, applicable to foreigners, if it touches the fundamental principles of the existing régime as laid down in the general organic statute ("Règlement d'Organisation judiciaire") can be altered without the assent of fifteen European Powers; while laws of minor importance, constituting "additions of modifications" of the existing codes, can only be passed with the approval of the legislative body mainly composed of the Mixed Court of Appeal at Alexandria (established by the recent

Law No. 17 of 1911 modifying article 12 of the Mixed Civil Code) or, in the case of Police Regulations, with the assent of that Court of Appeal alone under the Decree of the 31st January, 1889. And this Mixed Court of Appeal constitutes a small international Parliament absolutely independent of either the Egyptian or the British Governments. As regards native legislation, the constitution, which has recently been revised and amended, and now rests on a considerably more liberal basis than heretofore, requires all laws to be submitted for discussion to the legislative assembly of eighty-nine members, and provides elaborate machinery for insuring that, in case of divergence of view between the Government and the representatives of the people, full opportunity for reflection, discussion, and mutual persuasion shall be afforded.

Public opinion is represented by innumerable native and foreign newspapers, which take an increasingly intelligent interest in new laws and institutions of every kind, and debate and criticise them with considerable freedom. The men who compose the Cabinet itself, and others who may be said to represent the Opposition, as well as many of the high functionaries and the wealthy and independent notables of the country approximate, in education and ability, to the corresponding classes in Europe.

From a purely logical point of view, then, how far more reasonable and justifiable it would appear to be that, with these numerous and effective checks and safeguards of various kinds in operation against arbitrary or ill-considered action on the part of the Government, Great Britain should be granted the very moderate degree of freedom and independence for which she is asking in Egypt than that practically unlimited sovereign powers should be conceded to France in a country where none of such checks and safeguards exist. And yet, as previously observed, the proposals made by Great Britain for increased powers in Egypt are far more more modest in their nature and extent than those now put forward by France with regard to Morocco. Very few more words should suffice to demonstrate this proposition and conclude these observations.

### 3. Comparison of the New Moroccan Régime and the Future Organisation proposed for Egypt.

1. To deal first with judicial organisation :—

In Morocco all the tribunals which are to deal with the affairs of Europeans, whether in cases between Europeans among themselves, or between Europeans and natives, are to be purely and exclusively French tribunals, without any international character whatsoever. All the judges, all the functionaries of the Court registries and other offices, the language of the Courts itself, are to be French exclusively, and even the Bar is to be composed solely of the holders of French legal diplomas, while its head —the "bâtonnier"—must always be a Frenchman.

In Egypt, on the other hand, Great Britain is proposing to retain the international and essentially mixed character of the Courts which are to administer justice as between Europeans or Europeans and natives, both in civil and commercial affairs. In civil and commercial affairs, though there is always to be a European majority on the Bench, or a single European judge, unless the parties choose to submit their differences to native magistrates (see Proposed Declaration, articles 3, 5, and 6), no requirements as to the respective nationalities of the European members have been imposed.

In criminal matters the Moroccan system provides that if there is a single French citizen among the accused all six assessors are to be of French nationality, even though all the other accused may be of British or any other nationality, while there can never be less than three French assessors in any case, even where none of the accused persons are Frenchmen.

Under the Egyptian scheme, on the other hand, there is perfect equality of treatment for all nations, the project merely requiring four European assessors if all the accused are Europeans, or two Europeans and two natives if some of the accused are natives, irrespective of the particular nationality of the Europeans concerned. The judicial languages are to be four in number, English, French, Italian, and Arabic, as at present. For the judges again no national distinctions have been made. They will be recruited impartially from the various countries of Europe, without any preferential treatment in favour of Great Britain. We are asking for no kind of special privileges for Englishmen, though it seems to have been generally expected by the public and the press in Egypt that we should do so.



The Court registries and other offices will doubtless retain their present cosmopolitan complexion, by reason of multiplicity of judicial languages allowed, whilst the Bar itself, in the Courts dealing with the affairs of foreigners, will probably continue to be as international in character as at present, no protective conditions as regards diplomas having been imposed, and the present system of forensic free trade being tacitly maintained.

2. Secondly, as regards legislation, the existing Egyptian Codes, which are based on those of France, correspond, in all essential respects, with the body of legislation now introduced into Morocco by the dahir of which we have endeavoured to give a brief outline in the first portion of these remarks. No doubt in many respects these Moroccan Codes are a considerable improvement on Egyptian legislation, being more modern, and consequently having been able to benefit by all the legal progress made since the Egyptian Codes were drafted.

We shall endeavour to profit by the labours of the French Commission, notably as regards civil procedure and as regards the application of the principles of private international law to those matters of personal status with which the tribunals will be called upon to deal when the Consular Courts disappear. It was, indeed, precisely with a view to the elaboration of some such provisions that the Egyptian draft Declaration provided for a delay of three years during which the Consular Courts should continue to exist after the abolition of the Capitulations and the general introduction of the new régime.

If it be objected that there are at present two sets of Codes in Egypt, sometimes directly conflicting and often at variance with each other, in use before the Mixed and the Native Tribunals respectively, and that consequently there is no uniform legislation ready to be applied if the Capitulations were abolished, the answer is that it has always been the intention of the Egyptian Government to make a general selection between these sets of Codes, and to issue one common set for use before the unified and consolidated judicature which would replace the present competing and mutually independent law courts. It would be premature to enter into details on this head, but, roughly speaking, it will probably be found advisable to adopt, in the main, the civil and commercial legislation of the Mixed Tribunals, completed as it is by the large mass of mixed reported decisions, and the Criminal Codes of the Native Courts, which are more modern than those of the Mixed Tribunals, having been the subject of a certain amount of revision some years ago, and having since been added to and improved from time to time.

As regards civil procedure, it is proposed to summon, without delay, a competent and representative commission to draw up a new Code which might serve in all the Courts of Egypt, when they have been fused together.

3. Lastly, as regards the legislative system adopted, it may be pointed out that the proposals of the Egyptian Government compare very favourably with the system in force in Morocco.

In the note of the French Ambassador to Sir Edward Grey of the 17th February, 1913, criticising the proposals of the British Government for the future régime in Egypt, great stress was laid on the absence of any information as to the nature of the future legislative system. "Quel sera dans l'avenir en Égypte," said this note, "le pouvoir législatif compétent, en ce qui concerne les étrangers? Quelle autorité locale, indigène ou étrangère, héritera du pouvoir législatif actuellement dévolu à la Cour mixte d'Alexandrie, et qui serait, dorénavant, abdiqué par les Puissances?

"La seule allusion faite à cet objet capital par le projet dont est saisi le Gouvernement français consiste dans le paragraphe suivant de l'article 9 :

"'Le Gouvernement britannique aura toute liberté d'exercer un contrôle efficace sur la promulgation des lois, décrets et arrêtés, applicables aux étrangers.'

"'Mais cette stipulation ne serait qu'une garantie donnée par le Gouvernement britannique au Gouvernement français en vue de réserver au premier le droit d'intervenir en matière législative. Ce ne serait, à aucun titre, une garantie donnée par le Gouvernement britannique au Gouvernement français quant aux moyens par lesquels la Grande-Bretagne exercera ce droit et assurera ce contrôle. Dès l'instant qu'il est invité à abdiquer son pouvoir sur ses nationaux, le Gouvernement de la république est dans la nécessité de demander en faveur de quelle autorité il s'en désisterait, dans quelles conditions et par quels organes cette autorité serait appelée à légiférer dans l'avenir.'"

What, then, we are entitled to ask, are the guarantees furnished by the French Government to the British Government as to the proper exercise of legislative powers by the Shereefian Government in Morocco? What authorities, what organs will, in

future, exercise in Morocco those legislative powers at present vested in the foreign Governments, so far as their subjects are concerned, and which the latter are now invited to renounce? Under what conditions will these legislative powers be exercised? Is there to be any Council of State or other kind of assembly, having even consultative powers as regards new legislation?

We are not aware that any kind of guarantees or even assurances are being furnished on these points. At present the legislative powers of the French Government in Morocco appear to be unrestricted in any kind of way, the enactments of the Shereefian authorities being simply rendered executory by an act of the French Executive, viz., a simple visa of the French Resident-General, who is empowered, by the treaty between France and Morocco of the 30th March, 1912, to approve and promulgate all the decrees of his Shereefian Majesty.*

It would appear, therefore, that the proposed Egyptian legislative system offers far greater guarantees than any which are being given by the French Government in Morocco. In Egypt, all laws will have to be submitted to the Legislative Assembly of some ninety members, representing the intellectual élite of Egypt, which has been instituted by the new organic law of the 1st July, 1913 (Loi No. 29), and so far as such laws are to be applicable to foreigners they will require the assent of the British Government. This was expressly stated in Sir E. Grey's memorandum to M. Cambon of the 6th May, 1913. This is quite as satisfactory a guarantee as the approval of the French Resident-General in Morocco. Moreover, express guarantees are given in articles 9 and 10 of the Declaration as to equality and uniformity of treatment for Europeans, as well as their right to as favourable treatment as natives of the country, none of which find any counterpart in the Moroccan system.

### 4. Conclusions.

The conclusions, therefore, at which we arrive are as follows:—

1. Although the Moroccan scheme is in many respects, as we have endeavoured to show, less liberal to foreign Powers than the Egyptian proposals, and it might therefore seem justifiable to modify these latter proposals accordingly, we do not think that, having regard to the differences in the situation of the two countries to which we have called attention, it would be advisable to modify the Egyptian scheme in the direction of any diminution of the guarantees and concessions already offered as compensation for the abolition of the Capitulations. But we consider that the production of the Moroccan scheme has undoubtedly placed us in a stronger position for declining to make any new concessions to the French should any be demanded. In the despatch of the 9th June, 1912, transmitting to the Foreign Office the draft Convention, some matters were, indeed, indicated which might form the subject of future concessions (see paragraph 5 (*a*), (*b*), (*c*)), and we should have no objection to concessions on these points. Moreover, the guarantees contained in articles 8 and 9 of that proposed Convention, and which were not contained in the project sent to Sir F. Bertie by despatch of the 5th September, 1912, for submission to the French Government, might be reinstated, if this would facilitate a settlement. But, in general, the provisions of this Declaration should be regarded, now more than ever, as the irreducible minimum of independence which the British Government can reasonably be asked to accept for Egypt, and the maximum of concessions which it should be required to make.

2. As regards the two remaining questions, viz., whether, in the light of Egyptian experience, His Majesty's Government would be well advised to accept French jurisdiction in Morocco, and renounce its capitulation privileges on the conditions now laid down, or whether any modifications of the French scheme should be suggested, we consider that, subject to the foregoing observations, the assent of His Majesty's Government may safely be given. The observations to which we refer may be briefly summarised as follows:—

(1.) Some satisfactory assurances or undertakings should be given with regard to the conditions under which legislative powers will, in future, be exercised in Morocco, and, in particular, guarantees corresponding to those given in articles 9 and 10 of the draft Declaration should be required.

* See article 5 of this treaty: "Il [le commissaire résident général] aura le pouvoir d'approuver et de promulguer, au nom du Gouvernement français, tous les décrets rendus par Sa Majesté chérifienne." These terms are reproduced in the French Presidential Decree of the 11th June, 1912, article 2, defining the powers and attributions of this functionary.



(2.) A general law of real property should be enacted, dealing with the law of mortgages, privileges, and other real rights.

(3.) A more complete company law, especially in respect of foreign companies, should be prepared.

(4.) The terms of articles 79 and 80 of the Moroccan Code of Obligations and Contracts should be accepted by the French Government as applicable to the Egyptian "Bureau unique" scheme, in lieu of the text last proposed by that Government.

(5.) The rules relating to assessors in criminal cases should be revised. It is not reasonable that where a single Frenchman is being tried, in conjunction with a number of foreigners, *e.g.*, British subjects, all the assessors should be Frenchmen; some should be foreigners. Similarly, where foreigners and natives are being tried together, no Frenchmen being concerned, the proportion of three French assessors out of six seems unnecessarily high. It is true that these rules are the same as those in force in Tunis, being simply copied from the Tunisian decree of the 29th November, 1893. But there is clearly no necessity for the acceptance in Morocco of identical rules in all respects as those which were formerly allowed to pass for Tunis.

(6.) The provisions for admission to the Bar are illiberal. The requirement of a French diploma practically excludes all foreigners. In Egypt foreign advocates who reside in Egypt and have practised in their own countries for five years are admitted at once to plead before the highest Court of the Mixed Tribunals. Even allowing for the difference between Mixed Tribunals and purely French Courts, some concessions should be asked for on this head. Also the somewhat vexatious penalties for the wrongful assumption of the title of "advocate," which might be quite innocently incurred by foreigners, should be abolished or diminished.

3. None of the above matters, however, except possibly the first, are, in our opinion, of such importance that they need be insisted on, if the French Government is prepared now to accept the Egyptian scheme as it stands. Negotiations should proceed, and be consistently maintained, on a footing of strict reciprocity. We have endeavoured to show, by a comparison with this Moroccan régime, the extreme moderation and reasonableness of the Egyptian proposals; and after the fullest allowance has been made for a certain dissimilarity in the conditions of the two countries which cannot be denied, we consider that the very liberal and largely international régime proposed for Egypt—the objections to which, as formulated in M. Cambon's note to Sir Edward Grey, have been fully answered and refuted—should now be accepted by the French Government without further demur.

Therefore, while the modifications in the Moroccan régime above set forth seem to us desirable, we assume that no definite acceptation of this régime, as a whole, will be accorded, or the Capitulations in Morocco abolished, even though the fullest satisfaction should be given on the above points, unless and until the French Government have definitely agreed to the terms of the Egyptian settlement.

*Cairo, November 26th*, 1913.

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Enclosure 2 in No. 137.

*Memorandum by Mr. Brunyate.*

THE French Government has submitted to the Foreign Office the legislation recently promulgated applicable in the French zone in Morocco to French subjects and to foreign subjects whose Governments shall have waived their treaty rights, and invites His Majesty's Government to recognise the French protectorate. His Majesty's Government has replied that the matter will be considered in connection with the question of the Capitulations in Egypt. My observations are invited by Lord Kitchener.

I propose to group by observations under three heads:—

(A.) As regards British subjects in the French zone.

(B.) As regards the Tangier settlement, in connection with which I have been employed by the Foreign Office.

(C.) As regards Egypt.

## (A.) British Subjects in the French Zone.

As the documents submitted to the Foreign Office are very voluminous, it will be convenient first to deal with the general policy which the French Government appears to be following and the spirit in which the legislation under discussion has been drawn, and then to refer, subject by subject, to any points to which the attention of the Foreign Office ought more particularly to be drawn. Mere questions of detail I propose in general to avoid; if the scheme as a whole is one that His Majesty's Government may properly approve, a large discretion as to details must necessarily be left to the French Government. I have even felt justified in limiting myself to a merely superficial examination of considerable portions of some of the laws so soon as I had satisfied myself that they covered familiar ground. On the other hand, I have carefully examined the whole of certain laws and all parts of the rest which appeared to me to be likely to raise any question of general interest.

The general policy adopted by the French Government is obviously one of gradual penetration. Native justice is, for the moment, left untouched, as was the case in Tunis; it is evidently hoped that the success of the new legislation will be such as to facilitate a reorganisation of native justice later on. Even the legislation now promulgated is only to be applicable in named localities; I presume in the portions of the zone which shall from time to time be in something like settled civil occupation. This latter fact might, if it were thought worth while, be made a ground for only abandoning the benefit of treaties *pari passu* with the extension of the jurisdiction of the new Courts; but in view of the necessary powers of the military authorities in the unsettled districts, I should rather doubt the utility of any reservation, unless possibly in respect of land questions, a matter to which I return later.

The spirit in which the legislation as a whole is conceived is an unusually broad-minded one. I cannot, myself, help connecting this fact with the presence on the Commission of M. Berge, who was recently my colleague at Madrid, and has now been appointed first president of the Court of Appeal at Rabat. The large part played by him in the work of the Commission sufficiently appears from the explanatory note prefixed to the laws. A long experience in important posts in Tunis had convinced him that French administration of justice requires profound amendment; and, in the course of correspondence since we left Madrid, I have understood from him that his fellow-members on the Commission were not prepared to go as far as he would have liked in the direction of reform. I cannot help hoping that the results of our work at Madrid—where in several directions we went a good deal further—were of use to him and to those who thought with him. In any case, I regard the laws under discussion as representing a very sincere attempt to conciliate international differences of expression and to sink the features specially characteristic of the French point of view. With a few exceptions to be mentioned later, I regard it as going to the extreme limit of what could be hoped for. And it has had one very interesting result: in defending their drafts, the Commission has supplied us with an official analysis of the defects of the French codes, which may be of extreme value in criticising, later, the defective copies of those codes which are applied by the Egyptian Mixed Tribunals.

My remaining observations are grouped under specific heads.

### *The Legislative Power.*

The various laws are promulgated by the authority of the President of the Republic (p. 8), who has been advised (p. 2, last section) that reference to the Chambers is unnecessary. I draw attention to this at the outset, as it will enable defects in the legislation, as they appear, to be remedied with relative ease. M. Berge tells me that the corresponding laws in Tunis follow French legislation with inconvenient rigidity, and that it is almost impossible to effect any real improvement owing to the necessity of referring amending legislation to the Chambers.

### *Criminal Law and Procedure.*

The substantive criminal law to be applied is that contained in the French Penal Code and, subject only to a few amendments, the French Code of Criminal Procedure is also to be followed.

From one point of view, this appears to me the least satisfactory part of the scheme. For the French Penal Code is undoubtedly as out of date as the other codes, and I very much doubt whether the procedure is suited to the country.



It must, at the same time, be recognised that any other course would have raised considerable difficulties. Much of the remaining legislation follows very closely the native codes of Tunis; and the preparation of satisfactory criminal codes would, in the absence of any obviously suitable precedents, have meant much more work than could have been done in the time. The decisions taken at Madrid show that M. Berge, at any rate, would have preferred a different course; and as M. Dupeyrat, who represented the French Ministry of Foreign Affairs, accepted the whole of our proposals, it may be that it will prove possible to promulgate more modern codes later. My own draft Penal Code for Tangier is now in M. Berge's hands for criticism.

The Foreign Office might possibly think it worth while to draw attention to some of the foregoing considerations and to express a hope that the question of criminal law will, whenever possible, receive the same careful consideration as have other branches of law.

So far as I can judge, the whole of the authorities by whom enquiries are made and arrests authorised are likely to be French (p. 17, article 1).

It should, perhaps, be noted that crimes are to be tried by a Court composed of three First Instance Judges (p. 11, article 10) and six lay assessors (p. 18, article 7), the assessors having votes (p. 11, article 10). When an Englishman is on his trial alone, three of the assessors would be French and three non-French Europeans—if possible Englishmen. (Annexe 2.) There are rather elaborate detailed provisions as to the case of persons of different nationalities tried together. I do not care for the system of lay assessors with votes,* but M. Berge tells me that the system has worked smoothly in Tunis, where foreigners frequently elect for exclusively French assessors.

As the French Penal Code is to be applied, I presume that it would be possible for Englishmen to be transported to the French penal settlements in the tropics. Some enquiries by the Foreign Office as to the penitential system generally might, perhaps, be justifiable.

### *General Civil Law.*

The Code of Contracts and Obligations (Annexe 7) is borrowed in substance from Tunis, though I should gather from the mention of crossed cheques (p. 102) that it has been revised and brought well up to date. Reading it superficially, I regard it as an admirable piece of work. I do not profess to be very familiar with the French Civil Code, but I have turned up a number of points as to which our Egyptian codes are specially defective, and have found them adequately dealt with.

A difficulty which arises with the Mixed Tribunals is that those Courts judge according to their own law cases which were clearly intended to be governed by some other law. I notice that this difficulty is adequately met (p. 77, article 11).

### *Civil Procedure.*

The Code of Civil Procedure is also largely borrowed from that of Tunis, which I happen to have read: though I notice that a few useful provisions have been omitted, presumably as too advanced, and that some very detailed rules as to the limits of jurisdiction of the summary judge have been added, which are disfigured by so many French technical terms as not to be readily intelligible by the ordinary Englishman.

As a whole, the procedure impresses me as simple, intelligible, and sound. I notice that the explanatory note describes the procedure before the Courts of First Instance and Appeal as a written one (p. 6), a statement which, on the face of it, is rather alarming to an Englishman. The statement is, however, misleading. Evidence, can be taken and all proper enquiries can be held before either Court, but a *juge rapporteur* is delegated for the purpose, who carries out all the preliminary procedure under the general directions of the full Court. It is not the English system, but it may be described as an attempt to combine the advantages of the single judge with those of a Court of several judges.

A feature which distinguishes the procedure from that of the French Courts is that the entire procedure is under the control of the Court itself.

There appear to me to be wide enough powers to order the execution of First Instance judgments pending appeal to prevent appeal from being largely used for purely dilatory purposes.

* I see, however, that the system is already proposed for Egypt.

*Commercial Law.*

The code of commerce is stated to be for the most part an adaptation of the French code, I rather doubt whether the wandering trader will be able to keep the books and registers required by the code.

At the same time, there has been an honest attempt to produce a good working code and (so far as dealt with in the code) a reasonably flexible procedure.

It is perhaps to be regretted that limited partnerships and companies with limited liability can only be constituted under French law (p. 176, article 51), the provisions of which are not set out.

*Maritime Law.*

The explanatory note states that the codification of maritime law has been postponed on the ground that practically all shipping transactions will be governed by some foreign law. This appears to me to show a healthy appreciation of facts.

The case of arrest of ships ought, however, to be dealt with (see the correspondence with the Foreign Office as to the steamship "Uniform").

*Law as to Land.*

The position as to land in Morocco at the present time is that all cases go, in theory, before the Religious Courts, a practice which has given rise to so much uncertainty as to titles, that the French Government recently made proposals (as to which I was consulted when in Madrid) for the creation of special commissions to settle outstanding disputes.

I would observe that, as the Courts now being instituted are not at once to have jurisdiction throughout the entire country, the immediate abandonment of treaty rights throughout the country would enable such disputes, as to land situate outside the jurisdiction of the Courts, to be compulsorily referred to commissions appointed *ad hoc* by further legislation. I can conceive that this might be open to grave objection.

The only legislation actually promulgated as to land is the law as to the registration of title which forms Annexe 9, and which is borrowed in substance from Tunis. I may remark that I concurred in recommending a similar system for Tangier. I should be rather afraid of the Courts being swamped with work, were it not for the provision in article 109 (p. 215), which restricts the system to districts in which it is specially put into force. I am told that the system is working well in Tunis.

Article 106 (p. 215) anticipates the subsequent promulgation of a code of substantive land law. Caution in this respect is justified, as there are undoubtedly customary land tenures and rights in land in Morocco which would be overlooked in any immediate codification. M. Berge tells me that in Tunis such tenures and rights have received full recognition in connection with the registration of title—a fact which shows a refreshing change from the policy applied in Algiers (and, I may add, under the mixed codes in Egypt).

Article 106 expressly refers to Mahommedan law as applicable to land. This is, no doubt, in technical accordance with the fact that all land cases go at present to the Religious Courts. But it is worthy of notice that the reservation of all questions of substantive land law for a future land code has resulted in the absence of any definition of hypothecs, which are several times mentioned in the various codes, but which are certainly not covered by Mahommedan law.

*Personal Law.*

The personal law of foreigners is very effectively saved by Annexe 6 (p. 77). Such law is to be applied by the French Courts and not, as was at one time proposed for Egypt, by Consular Courts. That is, I think, right, although at Tangier it is to be open to the Powers to retain such Courts; because I do not think it would be worth the while of the various Powers to pay for competent judges for this one purpose.

One has, of course, the feeling that English personal law cannot be properly applied by foreign judges, to whose traditions it is wholly foreign. I do not, however, believe that the feeling is well-founded. We discussed the question in some detail at Madrid, and M. Berge, who had had practical experience in Tunis, bore out the opinion I had antecedently formed that the vast majority of cases were of extreme simplicity, and that, as the bulk of the foreigners are in humble circumstances, a well-disposed



Court on the spot was much more useful than one more technically competent at a distance. It was clear that when an abstruse question of law presented itself, the Tunis Court was prepared to take a very great deal of trouble to arrive at what it believed to be the right solution.

While this is so, I am bound to point out that in the elaboration of details the draftsman appears occasionally to have forgotten that certain institutions well known to most continental systems of law are not universal. I may cite in this connection the assumption on p. 57, article 445, and again on p. 59, article 469, that a "conseil de famille" can always be formed; and again, the reference to "séparation de biens" on p. 176, article 55. The position of the wife of a bankrupt trader under article 308, on p. 198, is perhaps also in point.

A few special difficulties will probably arise from the fact that Great Britain follows domicile rather than nationality as the criterion in matters of personal law. It is possible that the High Court in London, if consulted, might refuse to recognise a few divorces granted under the procedure on p. 54, on the ground that the parties, although resident in Morocco, had not acquired a domicile there. Then there will be occasional difficulties as to succession to real property, such as arise from time to time in Egypt. On my proposal, we made express provision at Madrid for the case of British subjects who, by acquiring a Tangerine domicile, lost (according to English law) the personal law of their original domicile; but I gathered from M. Berge that it was probably unnecessary, as the Tunis Court assumes, however wrongly, that a Maltese, for instance, retains the personal law of Malta, even after acquiring a Tunisian domicile.

The prohibition, under article 6 on p. 172, for a married woman to act as a "marchande publique" without the consent of her husband may conceivably cause occasional hardship, when the husband is elsewhere.

I notice that articles 10 and 18 of Annexe 6 give a wide discretion as to the form in which wills may be made.

*Costs.*

The scale of judicial fees under Annexe 4 seems very reasonable, while Annexe 5 makes adequate provision for suing *in formâ pauperis*.

*Personnel.*

The personnel in general is to be exclusively French. We may note the fact for use in Egypt, but cannot reasonably object.

By way of exception, the explanatory note observes that provision is made for an international Bar. That is true: but under article 34, p. 24, a British barrister must take the French "licence." As the law to be administered is not French, it would not be unreasonable to ask to have substituted, as an alternative, an examination in Moroccan law before a commission on the spot.

Whether the system above outlined is one under which British subjects can pass their lives as advantageously as under the system at present guaranteed by treaty is one for the Foreign Office to decide in view of all the facts.

I have noted various points to which the attention of the French Government might perhaps be advantageously called, but my own answer to the main question would be unhesitatingly in the affirmative.

(B.) Tangier.

The Commission at Madrid drew attention to the abstract desirability of having, so far as possible, a uniform system of legislation in the three Morocco zones.

M. Berge was entrusted with the drafting of a Code of Civil Procedure, Code of Contracts and Obligations, Land Code, and a Judicial Tariff. Subject to the foregoing observations, I should propose to express my concurrence in drafts in the above matters following the lines of the French zone laws, with the modifications necessary to meet the different circumstances.

The Commercial Code was entrusted to my Spanish colleague. As to that, I have an open mind.

There is nothing in the French zone laws of a nature to lead me to recast my own draft Penal Code or to reconsider the lines on which I have proposed to draft a Code of Criminal Procedure. The decisions already taken are, furthermore, in conflict with any close following of the French codes.

It would perhaps be worth while for the Foreign Office to make sure that the French Government finally accepts the Tangier proposals before accepting the present proposals for the French zone.

(C.) Egypt.

In my opinion, the nature of the French proposals should materially assist us in the settlement of the Egyptian question.

As regards the legislative power, we gave some engagements in 1904 which are now regarded as embarrassing. France gave the like engagements as to Morocco. No legislative system is being established in Morocco, and we can scarcely be held to our own pledges.

It was at one time suggested that we should give far-reaching pledges as to the employment of non-British judges in the new Egyptian Courts. In view of the French proposals, France is the last Power to be entitled to ask us for any such pledges.

It was also proposed at one time to leave question of personal law to Consular Courts. France proposes a different system: and I think she is right.

Finally, it has been proposed that we should undertake not widely to depart from the principles of the French codes. To that the volume before me provides a complete answer. The French codes themselves are as out of date as the principles of the Revolution; while, as regards underlying principles of law, every international law congress emphasises the fact that, details apart, they are everywhere identical. The French Commission has discovered the fact (p. 4) that the differences between French and Mahommedan civil law are not insurmountable. A little further study would satisfy them that the differences between French and English law are not much greater.

Differences of procedure are no doubt deeper. But the Commission has shown its opinion of French procedure by discarding it *en bloc*. Fortunately for itself, it was able to cover its retreat, thanks to the fact that the typical French procedure had already been discarded by the French administrative Courts. Egyptian procedure is already distinct from that in France, and it was described to me some time ago by a distinguished French judge as only retaining the demerits of its French parent. Having been now engaged for some time past in directing legal proceedings, I have certainly found little in it that commands admiration.

The problem here is, however, a different one from that in a country which has hitherto possessed no codes. Codes can be redrawn from time to time: the pressing problem is primarily one of organisation. It is no part of my duty to advise at present on the best organisation; but the action of France in the present case raises one question of great interest. Two courses were open to France, as they are open to us. They might have asked simply for a free hand. In that case we should probably have asked for and obtained specific guarantees, which might have proved embarrassing to them in the future. Instead they have told us in much detail what they intend to do and ask our approval, reserving to themselves the right to introduce such modifications in the future as circumstances may call for.

It may, indeed, be considered that the freedom asked by the French Government is too wide. While the new French legislation allows to British subjects most-favoured-nation treatment, and gives them a position differing but little from that of French citizens, no assurance is offered that their position shall not be altered for the worse by subsequent legislation. In these circumstances, the Foreign Office may feel it right to ask for such assurances to be given, presumably on the same general lines as those followed in the Egyptian proposals for the abolition of the Capitulations here. But, on the other hand, it might possibly be the better policy to draw the attention of the French Government to the absence of such assurances, and to rely on the fact that we are not asking far them as a reason for regarding as specially liberal our own proposals as to Egypt, which do, in fact, largely consist of precisely such assurances, unlimited as to time.

On a final point of detail, I notice that in clause 16 (now 14) of our own proposals it is stated that mixed law shall be provisionally administered between Frenchmen, while (as already pointed out under the heading General Civil Law *supra*) the Moroccan laws expressly provide for the recognition of the fact that they may have contracted according to French law. I assume that the intention is the same in the two cases, but it might be an improvement to incorporate the Moroccan provision.

W. E. BRUNYATE.

*November* 30, 1913.

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[54982] No. 138.

*Mr. White to Sir Edward Grey.—(Received December* 6.)

(No. 372.)

Sir, *Tangier, November* 30, 1913.

THE reports that have appeared in the press that the Spanish Government have decided to abandon further military operations and withdraw most of their troops from the Tetuan and Laraiche districts have caused a certain amount of anxiety here. Both Sid-el-Mokri and the French Chargé d'Affaires have expressed to me the fear that the tribes, elated by their successful resistance and convinced that they have nothing to fear in future, will remain in a state of rebellion, and that brigandage and pillage will flourish unchecked.

The tribes, it is true, are weary of the long contest, having themselves suffered from being shut off from the markets at the ports where they can dispose of their produce and purchase the goods they require. Were it merely to depend on the tribesmen in general, we might hope that they would settle down and that peace and quiet might be restored. Unfortunately, however, there are the leaders of the revolt to be reckoned with, and the bad characters who are always ready to take advantage of the absence of government to indulge in their favourite occupation of raids and robberies.

Raisuli, who has lately regained much of his former prestige, is not likely to remain quiet so long as the Spaniards retain possession of his valuable properties, which they have seized, and unless they are prepared to come to terms with him and restore his properties, and perhaps even reinstate him in a position of authority, I fear he will continue to be a source of trouble.

It will, however, be difficult for Spain, after all that has passed, to offer him terms that he would be disposed to accept.

I have, &c.

HERBERT E. WHITE.

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[54984] No. 139.

*Mr. White to Sir Edward Grey.—(Received December* 6.)

(No. 374.)

Sir, *Tangier, November* 30, 1913.

SPEAKING of the reports in the press of the proposal which the Mannesmanns are said to have made to the Spanish Government for the formation of a chartered company for the administration of the Spanish zone and the development of its resources, the French Chargé d'Affaires informed me that when he was recently in Paris he had an interview with one of the brothers Mannesmanns, who put his views before him. The proposal was at that time limited to the western portion of the Spanish zone through which the Tangier–Fez Railway and the main road connecting the three zones were to pass, the suggestion being that the Mannesmanns should form a company principally with French capital, their own contribution being the lands they hold in partnership with Raisuli, the company to receive a charter for the administration of the country and the development of its resources. The district would be policed with a force composed of the native "goums" of the French zone, which would be made over to the chartered company.

M. de Valdrôme said that he had replied that it was a very pretty scheme, but that, though the benefit to be obtained by the Mannesmanns was clear, he did not see what advantage France was to derive from it. France was to provide the capital and the soldiers to enable the Mannesmanns to administer and exploit the district, that is to say, she was to pay the expenses and receive the blows, but what, he asked, was she to get in return? No answer being forthcoming to this question, the interview ended.

It is presumably the same proposal that has been put forward in Spain, though, according to Señor Dato's statement, it has not come officially before the present Government.

I have, &c.

HERBERT E. WHITE.

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[55643] No. 140.

*Sir A. Hardinge to Sir Edward Grey.—(Received December 10.)*

(No. 185.)

Sir, *Madrid, December 5, 1913.*

I HAVE the honour to inform you that the Mannesmann Brothers have addressed to the principal organs of the Spanish press a letter proposing to act as mediators between the Spanish Government and the Moors, with a view to bringing about the conclusion of a peace satisfactory to both parties.

The letter in question is a lengthy document, the main points of which are as follows :—

The Spanish zone in Morocco was not Spanish property and never would be, even if the Spanish army should occupy every square yard of it. It was not Spain who reigned over that zone but the Sultan, and in his place the Khalifa. Spanish laws could not be applied there, but only those contained in the Koran, and laid down by international treaty. Spain could not conquer the zone, she could only assist the Khalifa in the elaboration of administrative reforms. The Spanish Government had undertaken to respect all the economic clauses of the Franco-German treaty. Spain could not construct railways of public utility or ports, or dispose on her own authority of any of the natural riches of her zone, such as lands, mines, &c. She had moreover, solemnly guaranteed by treaty the absolute economic liberty and equality of all nationalities in economic matters. No Power in the world could, therefore, prevent the zone conceded to Spain by France from being covered by foreign concessions, whose owners on appealing to their respective Governments to complain of damage and injustice done to them through the fault of the Spanish administration would create for Spain serious diplomatic incidents with France and other Powers. Spain had been able to occupy Larache, Arzila, and Alcazar, without firing a shot, thanks to Raisuli, who at their instigation had invited the Spaniards to occupy that region instead of opposing them by force. It was they, the Mannesmann Brothers, who had explained to Raisuli that all the Powers had decided that the region administered by him should submit to Spanish influence. He had listened to their counsels, not on account of material interests or of political pressure, but simply on account of the extreme confidence with which they had inspired him since, by intervening on his behalf with the Sultan, they had succeeded in saving his property and in causing him to be maintained as Governor of his district, which was the most tranquil and best administered in the Empire. In 1912 they had made a second attempt, by negotiating with the Riff tribes, to secure peace for Spain and to extend her influence throughout her zone. During all those negotiations, which had been carried on in agreement with Spain, and for her advantage, no mention had been made of their own private interests. Now the situation had changed, torrents of blood had been shed, and nothing would induce the Moors to treat with the Spanish authorities with a view to concluding peace. It was, therefore, necessary to establish an intermediary body between the two parties, whereby peace would not only be established but maintained and guaranteed, owing to the stable condition of affairs which it would bring to the country. There was only one way of effecting this. It was necessary that the interests of all the contracting parties, including those of the natives, should be so tightly bound up through this body acting as intermediary between the Spanish authorities and the native authorities that the slightest tendency towards a resumption of hostilities would be automatically punished by the most serious material loss. They (the Mannesmanns) enjoyed the complete confidence of all the Moorish tribes, who had begged them to be their representatives and to negotiate on their behalf. They were willing, moreover, to renounce the foreign character of their concessions and to submit them to the authority of the intermediary body which would be an economic association of a Spanish character. The great chiefs, landowners, and families, as well as the small colonists, the Mannesmanns themselves and most of the foreign concessionnaires in the zone would have to entrust the administration of their property, &c., to the intermediary body. This union of interests would be worked by Spanish and foreign capital. All property brought into the association would become a regular guarantee against bellicose feeling, and the union of Moorish and foreign property and enterprise would force both parties in their own interests to abstain from methods of violence, and to work peacefully in the carrying on of their common business. To attain this end, however, it would be necessary to renounce definitely any further military action in Morocco, and to guarantee to the



Moors the protection of their property, the preservation of their internal administrative organisation, and, in a word, a régime of absolute right.

The principal organs of the Spanish press, both Liberal and Conservative, denounce the above proposals in no measured terms, and declare them to be entirely incompatible with the dignity or interest of Spain. The "Imparcial" (Liberal), in the course of a violent article on this letter, expresses the fear that the Mannesmann affair has further disagreeable surprises in store for the Spanish Government. The Minister of State granted an interview to a correspondent of that journal on the subject, but declined to express any opinion on the proposals. The Marquis de Lema admitted that he had a fortnight ago received one of the Mannesmann Brothers, who had set forth at great length his views as to the means Spain should employ in order to bring about the conclusion of peace. His Excellency had begged Herr Mannesmann to put down his views on paper, as they were too vague to enable him to form an opinion thereon, and they had seemed at first sight incompatible with the duties and engagements of Spain and with the stipulations of her international treaties. Since then he had heard no further from Herr Mannesmann on the matter.

I have, &c.
A. H. HARDINGE.

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[55644] No. 141.

*Sir A. Hardinge to Sir Edward Grey.—(Received December 10.)*

(No. 186.)

Sir, *Madrid, December 7, 1913.*

WITH reference to my immediate preceding despatch of the 5th instant, I have the honour to inform you that the Minister of State granted last night to the correspondent of the "Heraldo" a further interview respecting the proposals of the Mannesmann brothers.

The Marquis of Lema declared that Herr Mannesmann during the conversation which he had with him confined himself to vague statements, and had never formulated such proposals as those which had been made to the press. Had he done so, he (the Marquis of Lema) would not have consented to hear him to the end. It was evident that the Spanish Government like everybody else, desired peace, but peace obtained by dignified and decorous means. In order to obtain such peace none of the sovereign rights of Spain would be abandoned and no sort of intermediary would be allowed. Spain enjoyed the same rights in her zone as France enjoyed in the French zone.

The Marquis of Alhucemas, in an interview with a correspondent of the same journal, denies having empowered the Mannesmann brothers to negotiate peace with the Moors in 1912, and takes a similar view of Spanish rights and sovereignty as the Minister of State.

The press continues to show unwonted unanimity in scouting the proposals of the Mannesmanns, and the Republican organ the "País" goes so far as to suggest that Herr R. Mannesmann should be expelled from the country on the ground of his declaring himself to be a representative of the tribes with whom Spain is at war.

The only notable exception in the general chorus of condemnation is the "Radical," Señor Lerroux's organ at Barcelona, which contends that the Government is unable to conclude peace itself, and should therefore entrust that task to a body or company such as the Mannesmanns suggest. There is some reason to believe that Señor Lerroux has been won over to the Mannesmann interests by considerations of a financial character.

I have, &c.
A. H. HARDINGE.

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[55686] No. 142.

*Memorandum communicated by German Embassy, December 10.*

(Translation.)

THE Société pour le Développement de Tanger and M. Porché, the engineer, have submitted the draft of a concession for the harbour works at Tangier. The financial aspect of this draft, however, still requires examination. As the greatest

speed is desirable in conducting this examination, the Imperial Government would propose that this task should be undertaken by M. Gauran, director of the Morocco State Bank at Tangier. He possesses thorough local knowledge, and seems also to be perfectly suitable for the work in other respects. Should this not be approved, the Imperial Government would suggest that the examination should be undertaken by a commission, on which Germany, England, France, and Spain should each be represented by one member. It seems desirable that the four Powers should agree upon a scheme, and should then jointly submit it to the Diplomatic Body at Tangier.

*German Embassy, London, December* 8, 1913.

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[54628] No. 143.

*Foreign Office to Board of Trade.*

Sir, *Foreign Office, December* 11, 1913.

WITH reference to the letter from this Department of the 18th ultimo, I am directed by Secretary Sir E. Grey to transmit to you herewith the French copy of an identic note received from the French and Spanish Ambassadors, enclosing the text of the Morocco Mining Regulations.*

The undertaking now given by the French and Spanish Ambassadors with regard to article 42 appears to meet the reservation made by His Majesty's Government in connection with that article.

Sir E. Grey therefore proposes, with the concurrence of the Board of Trade, to reply that His Majesty's Government accept the text of the regulations and take formal note of the assurances contained in the notes received from the two Ambassadors.

In communicating these papers, the Spanish Ambassador stated verbally that the two Arbitration Commissions would be distinct, one for the French zone and one for the Spanish zone; that the Moorish delegate for the Commission in the French zone would be named by the Sultan and the one for the Spanish zone by the Khalifa. There would, his Excellency added, be no objection to any foreign Power, whose subjects wished to refer to the Commissions, naming the same delegate to sit on both Commissions. All the above referred solely to "litiges miniers ayant une cause antérieure à la publication du dahir."

Sir E. Grey considers that these questions, and the appointment of the British delegate, may be left for consideration at a later stage.

I am, &c.
EYRE A. CROWE.

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[56154] No. 144.

*Mr. White to Sir Edward Grey.—(Received December* 13.)

(No. 383.)

Sir, *Tangier, December* 6, 1913.

M. PORCHÉ, who has just returned from France, called upon me this morning to acquaint me with the present position of the question of the Tangier Harbour Concession.

On arrival at Paris he was informed that, with the exception of a difficulty in regard to the amount of the Spanish participation in the capital which was subsequently settled, the British, French, Spanish, and German Governments were in agreement for the grant of a concession to the Société internationale pour le Développement de Tanger, and suggested that he should at once enter into communication with the society with the view to arriving at an agreement as to the terms of the concession for submission to the Diplomatic Body at Tangier.

M. Porché accordingly entered into negotiations with the director of the society, giving him, however, first clearly to understand that he had no authority to decide anything, and that any agreement that might be come to would be in no way binding.

Before the termination of the discussion, and just as an agreement was being come to, M. Pichon sent for M. Porché and informed him that there was

* No. 135.



another international company being formed to obtain the concession. The moving spirit in the new company was M. Pershot, the senator-engineer and ally of M. Caillaux. His position and influence were too strong for the French Government to dare to exclude him.

M. Porché could give me no particulars as to this new company except, that Pearsons or Sir John Jackson, he thought the former, were in it, also an important Dutch firm. He supposed the capital was divided in the same proportion as in the Société internationale pour le Développement de Tanger, but he did not know.

M. Porché, whilst welcoming competition, which might enable better terms to be obtained, expressed the fear that delay might be caused by the appearance of a new competitor; there was also the danger of other societies being similarly formed, and a demand being put forward for a "concours," which he considered very undesirable.

M. Porché informed me that he had completed a draft "convention de concession" and "cahier des charges" for the exploitation, and would like them to be submitted to a technical commission, so as to cover his responsibility and make sure that the terms he proposed were suitable. He proposed to transmit the drafts to the doyen of the Diplomatic Body with a view to the appointment of such a commission, which he thought should consist of delegates named by the British, French, German, Spanish, and Dutch Governments, those being the only Powers interested to any considerable extent in the shipping of Tangier.

I observed that I feared the representatives of some of the other Powers would insist on also appointing delegates, and that the discussions might be unduly prolonged thereby; it was a question whether it might not be better to follow the precedent of the mining regulations and submit the draft to the Diplomatic Body after it had been approved by a commission appointed by the Governments interested. I added that I was not aware what your views on the subject might be, and that I should be glad of an opportunity to consult you before expressing an opinion. M. Porché observed that he personally would prefer the latter plan, but that M. Dupeyrat had told him the draft should be submitted to the Diplomatic Body first. He would take no steps, however, until he heard from me.

I should be grateful if I could be furnished with your instructions on this point by telegraph. It appears to me that unless we are prepared to allow all the Powers, who may wish to do so to be represented on the commission, it would be preferable to postpone the reference to the Diplomatic Body, as I feel confident that the Belgian, and probably the Italian and Austrian representatives, will desire that their Governments should be represented, and with so large a commission the discussions are likely to be lengthy. On the other hand, if the five Powers principally interested are agreed on the terms of the draft before it is submitted to the Diplomatic Body there is no doubt that a majority would be obtained.

The German Chargé d'Affaires spoke to me yesterday on the subject. He informed me that his Government did not desire the appointment of a commission; they considered the question was purely financial, and that it would be sufficient to submit the draft contract to M. Gauran, the manager of the State Bank at Tangier.

I told him that, whilst having a high opinion of M. Gauran's capabilities, I should prefer the appointment of a commission of experts, on the principle of two heads being better than one.

I mentioned M. de Wesendonk's suggestion to M. Porché, who said he had spoken to him also in the same sense. It was true that the question was one of finance, but it was of a highly technical nature, with which M. Gauran would be the first to declare himself incompetent to deal; moreover, it would be absurd to appoint a Frenchman to control the work of another Frenchman.

As to the company being formed by M. Pershot, one must, I presume, await further details as to its composition, but if that should prove to be satisfactory, one can but welcome competition. Once the terms of the proposed contract have been approved or amended by the technical commission, the rival companies might be invited to make their tenders on those lines.

I have, &c.
HERBERT E. WHITE.

[56160] No. 145.

*Sir A. Hardinge to Sir Edward Grey.—(Received December 13.)*

(No. 188.)

Sir, *Madrid, December 10, 1913.*

THE Marquis of Lema spoke to me at his reception to-day about the question of the Government at Tangier. He said that a perusal of the drafts which I had sent him had satisfied him that important changes, some of them decidedly objectionable from the Spanish point of view, had been introduced into the scheme elaborated by the Madrid Commission, and he laid special stress on the questions of the Tabors, of the extra vote conferred on the Sultan's Caliph and of the substitution of nominated for popularly elected cadis.

I said, as to this latter point, that the French argued that inasmuch as the cadis are ecclesiastical judges, they must derive their authority from the Sultan, who was a spiritual as well as a temporal ruler, and that we had ourselves recognised the force of this principle in Egypt, by acquiescing in the selection of the Grand Cadi of Cairo by the Sultan of Turkey from amongst the Turkish ulema. His Excellency replied that the authority of the Sultan of Turkey at Cairo was very different to that of the Sultan of Morocco at Tangier, though he admitted that it had been, and might again be exerted, amongst the Egyptian ulema and Moslems generally, for political purposes inconsistent with our interests; but he observed that the Spanish experts in Mohammedan law had reported that the filling of religious offices by election was by no means inconsistent with Moorish Islamism. I felt some diffidence in hazarding an expression of opinion as to the doctrine on this point of the Maleki school of jurisprudence, with which I am very imperfectly acquainted, but I was quite prepared to grant that, for Malekis, in common with all Sunnis, election by orthordox believers was the theoretical foundation of the Caliphate itself, although in practice for very many centuries inferior ecclesiastical officers had been directly appointed, throughout Sunni Islam by the hereditary commanders of the faithful or their local lawful deputies. In Europe, too, in the primitive church, bishops owed their sees to the popular vote; but an attempt to revive this system to-day, say in Spain, would probably not commend itself to the religious world, and in Morocco a long-established custom might be deemed more authoritative than an appeal to abstract principles dating from the distant days of the first four Caliphs. I felt sure however, that on this, as on all other kindred questions, you would assign all the weight warranted by the importance of Spanish interests in Tangier to any representations which the Spanish Government deemed it expedient to make to you; and I should myself be prepared as soon as His Exellency was ready to do so, to discuss with him the details of our proposals. The Marquis of Lema said he hoped shortly to do this with me, but he felt bound to say at once that some of these suggestions seemed, in their latest form, hard to reconcile with the fundamental principle of the internationalisation of Tangier.

The French Ambassador, who has just returned from leave, anticipates that many features in our programme will meet with determined opposition on the part of the Spanish Government.

I have, &c.
ARTHUR H. HARDINGE.

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[56713] No. 146.

*M. Cambon to Sir Edward Grey.—(Received December 16.)*

*Ambassade de France, Londres,*
M. le Secrétaire d'État, *le 14 décembre*, 1913.

A LA suite d'une communication que je lui avais adressée le 5 juillet dernier au sujet du port de Tanger, votre Excellence avait bien voulu donner pour instructions au représentant britannique dans cette ville de faire savoir à ses collègues français, allemand et espagnol que le Gouvernement britannique considérait la Société internationale pour le Développement de Tanger, filiale de la Compagnie marocaine de Travaux publics, comme la plus qualifiée pour construire rapidement le port de Tanger



et suggérait que cette entreprise fût invitée à soumettre un projet aux Puissances intéressées.

Depuis lors d'autres sociétés internationales, comme la précédente, ont posé ou annoncé leur candidature à l'obtention de la concession du port. Parmi elles figure notamment la Société internationale d'Études et de Travaux au Maroc.

Ni à Paris ni à Berlin, d'après les informations officieuses fournies par l'Ambassade Impériale d'Allemagne, on n'estime possible d'écarter ces candidatures si les conditions qui leur servent de base offrent plus de garanties et d'avantages que les propositions de la Société pour le Développement de Tanger, qui n'a pas cessé de jouir à Paris comme à Berlin de la faveur dont elle est digne.

L'ingénieur en chef des Travaux publics a, d'ailleurs, exprimé lui-même le désir d'être assisté dans l'examen des divers projets dont il est ou sera saisi d'une commission technique. Le Gouvernement français pense qu'une telle commission pourrait, en effet, être adjointe à M. Porché; qu'elle devrait être nommé par le Corps diplomatique, et que, devant être peu nombreuse pour faire œuvre utile, elle devrait se composer d'un délégué des quatre Puissances les plus directement intéressées à la création du port, c'est-à-dire de l'Allemagne, de l'Angleterre, de l'Espagne et de la France. Peut-être pourrait-on y comprendre aussi un délégué de la Hollande, à cause de l'escale régulière à Tanger de deux importantes compagnies hollandaises. Cette commission prendrait connaissance des propositions dont l'entretiendrait M. Porché et ferait son rapport au Corps diplomatique en vue de la désignation du concessionnaire du port.

J'ai été chargé par mon Gouvernement de soumettre ces suggestions à votre Excellence. Si elle veut bien les approuver, des instructions conformes pourraient être adressées à bref délai aux représentants britannique, français, allemand et espagnol à Tanger en vue de la nomination par le Corps diplomatique d'une commission technique, qui pourrait se réunir soit à Tanger, soit à Paris.

Veuillez, &c.
PAUL CAMBON.

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[56860] No. 147.

*M. van der Goes to Sir Edward Grey.—(Received December 17.)*

*Légation des Pays-Bas, Londres,*
M. le Secrétaire d'État, *le 15 décembre*, 1913.

COMME votre Excellence n'ignore pas, les Gouvernements français et espagnol étaient tombés d'accord sur un projet de loi concernant les mines dans les deux parties du protectorat du Maroc.

D'après les rapports reçus du Ministre de la Reine à Berlin vers la fin du mois d'octobre, le texte de ce projet de loi aurait rencontré de l'opposition du côté du Gouvernement britannique, ce qui aurait causé un arrêt dans les négociations.

Pour satisfaire aux objections faites par le Gouvernement de votre Excellence, une modification avait été introduite dans le règlement dans ce sens que les différends auxquels donnaient lieu les réclamations des droits miniers antérieures seraient jugés en vertu d'un second règlement par une commission arbitrale, dans laquelle seraient représentés tous les pays intéressés.

Or, les Gouvernements français et espagnol ont prié le Gouvernement néerlandais de leur faire savoir s'ils pourraient compter sur sa coopération pour la formation d'une telle commission.

Avant de prendre une décision, mon Gouvernement désirerait savoir si le Gouvernement anglais ne persiste plus dans ses objections. Je me permets, par conséquent, d'avoir recours à l'intermédiaire toujours également obligeant de votre Excellence, en la priant de bien vouloir me mettre à même de procurer le renseignement désiré.

Veuillez, &c.
VAN DER GOES.

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[57802] No. 148.

*Memorandum communicated by Herr von Kühlmann, December* 20, 1913.

(Translation.)

THE Imperial Government are of opinion that the concession for the Tangier harbour works should be given to the Société internationale pour le Développement de Tanger. It goes, however, without saying, that the Imperial Government cannot in any circumstances agree to the concession being given to a company in which German interests are not fully represented.

The Imperial Government are, moreover, prepared to send telegraphic instructions to the Imperial Chargé d'Affaires at Tangier to propose, in concert with his English, French, and Spanish colleagues, and in conformity with M. Porché's wish, the establishment of a technical commission consisting of one representative of each of the four Governments, so soon as it is ascertained that the British and Spanish Governments are prepared to do the same. In the event of the Diplomatic Body at Tangier wishing for the participation of a Dutch representative in the labours of the commission, the Imperial Government would raise no objection. Prudent reserve is, however, to be recommended in this connection, as it must be borne in mind that the representation of Holland on the commission may awake a desire on the part of other Governments also to be represented on it, and this would result in an undesirable complication of the matter.

The commission would have to examine the harbour works scheme to be submitted to them by M. Porché, and to make their proposals to the Diplomatic Body. It would be desirable that the commission should have their first meeting in Paris when the question could be put to them whether, for practical considerations, they would wish to remove their sittings temporarily to Tangier. Germany proposes to appoint Geheimer Oberbaurat Professor de Thierry to be her representative on the commission.

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[56713] No. 149.

*Foreign Office to Board of Trade.*

Sir, *Foreign Office, December* 20, 1913.

WITH reference to your letter of the 13th instant, I am directed by Secretary Sir E. Grey to transmit to you herewith copy of a note from the French Ambassador at this Court respecting the proposed concession for the construction of the Tangier port works.

Both the French and German Governments appear disposed to accord, as regards the grant of the concession, equal treatment to the Société internationale d'Études et de Travaux au Maroc and to the Société internationale pour le Développement de Tanger. It is, however, doubtful whether the latter company has as yet been formally constituted and registered.

His Majesty's Ambassador at Paris is being instructed to report whether any further particulars are now ascertainable in regard to the composition of the Société internationale d'Études et de Travaux au Maroc and the extent of the alleged British participation in the concern.

In view of the statements contained in M. Cambon's note, Sir E. Grey would suggest that a similar enquiry should now be addressed to Mr. G. D. Perks in place of the reply proposed in your letter under reference. I am accordingly to enclose the draft of a letter which it is proposed, subject to the concurrence of the Board of Trade, to address to this gentleman, and to enquire whether the Board concur in the terms of this communication.

M. Cambon refers to the last two paragraphs of his note to the proposal for the formation of a technical commission to assist M. Porché, the chief public works engineer at Tangier, in the examination of the schemes to be submitted to him for the construction of the works, and I am at the same time to transmit to you, for the information of the Board, copy of a despatch which has been received from His Majesty's Chargé d'Affaires at Tangier in regard to this point.

It will be observed that, while the French Government propose that the matter should in the first place be submitted to the Diplomatic Body at Tangier, who should then be invited to appoint a commission composed of delegates of the four or five



Powers chiefly interested, Mr. White considers it desirable that the draft concession and the "cahier des charges" prepared by M. Porché should, in order to save time, be submitted in the first instance to a commission appointed by the Governments themselves. Sir E. Grey is disposed to share Mr. White's view, and he would propose, should the Board of Trade agree, to inform the French and German Governments accordingly.

But before His Majesty's Government commit themselves to the principle of the examination by a commission of experts of M. Porché's drafts and of any schemes submitted by competing companies, Sir E. Grey would like to be assured that an expert will be available to represent this country on the commission.

I am therefore to enquire whether the Board of Trade would be disposed to allow one of the experts attached to their department to represent His Majesty's Government on the proposed commission which, as the French Government suggest, would sit either at Paris or at Tangier.

Sir E. Grey would be grateful if he might be favoured with the views of the Board of Trade at an early date.

I am, &c.
EYRE A. CROWE.

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[57617] No. 150.

*Board of Trade to Foreign Office.—(Received December* 22.)

Sir, *Board of Trade, December* 20, 1913.

I AM directed by the Board of Trade to acknowledge the receipt of your letter of the 11th December, with its enclosures, regarding the Morocco mining regulations.

The Board concur in the tenor of the reply which Sir E. Grey proposes to address to the French and Spanish Ambassadors on the subject.

I am, &c.
GEO. J. STANLEY.

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[56713] No. 151.

*Sir Edward Grey to Sir F. Bertie.*

(No. 759.)

Sir, *Foreign Office, December* 22, 1913.

WITH reference to your despatch No. 568 of the 19th ultimo giving details in regard to the Société internationale d'Études de Travaux au Maroc and other companies, I transmit to your Excellency herewith copy of a note from M. Cambon on the subject of the proposed concession for the construction of the Tangier port works.

In that note the Société d'Études et de Travaux is spoken of as if it had now been definitely constituted, and I should therefore be glad if your Excellency would now cause further enquiries to be made in regard to the company.

The points on which information is especially desired are—

1. Whether the company is in fact definitely constituted and registered.
2. The names and nationality of the persons and firms composing it.
3. The proportion of the British share of the capital to the total capital.

I am, &c.
E. GREY.

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[58504] No. 152.

*Sir Edward Grey to Mr. White.*

(No. 210.)

Sir, *Foreign Office, December* 23, 1913.

THE French Chargé d'Affaires, in answer to an enquiry, said to-day that his Government had not so far received any information as to the reception accorded by the Spanish Government to the recent Anglo-French proposals respecting the internationalisation of Tangier.

In the course of conversation M. de Fleuriau referred to the objection still entertained in France to the arrangement by which one-half of the subordinate officials in each of the public services of the municipality were to be chosen from a nationality other than that of the head of the particular Department. He again urged the unfairness of extending such an arrangement to the Public Works Department, which was an organisation extending to both the French and Spanish protectorates as well as Tangier, and which was at present duly constituted with a Franco-Spanish staff.

Apart from this, M. de Fleuriau intimated that M. Dupeyrat would probably bring forward eventually a suggestion by which the 50 per cent. rule would not be applied in each individual Department, but would be made operative as regards the totality of the European subordinate officials in all the Departments together.

I should be glad to receive your observations on this suggestion, and more particularly on the question how exactly it would work out in practice, in comparison with the arrangement hitherto contemplated.

I am, &c.
E. GREY.

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[58031] No. 153.

*Mr. White to Sir Edward Grey.—(Received December 29.)*

(No. 396.)
Sir, *Tangier, December 13, 1913.*

AFTER a long spell of inactivity the Spanish troops yesterday dislodged the small rebel camp at Seguidla on the borders of the Tangier zone, and thus reopened the Tangier–Fez road. It is hoped that this may prove to be the first step towards the occupation of Zinats, but I fear it is more likely that the Spanish troops will relapse into another period of inactivity, unless the Spanish Government should have decided, after their conference with General Marina, to strike a decisive blow before initiating the policy of pacific penetration, which they are so fond of preaching but have not known how to carry out.

In a despatch dated the 10th instant Captain Ewart, His Majesty's vice-consul at Tetuan, writes :—

"It seems a pity that the Spaniards did not see their way to confining themselves to the occupation of Rio Martin, Laraiche, and Arzila only to begin with, whilst preparing the way by road and railway into the interior of their zone of influence.

"The insufficiently prepared unpopular occupation of Tetuan, the weak hesitating advance after months of inactivity, the razzias, and the return to inactivity of the field force, has given a confidence and unity to the tribesmen which makes any chance of winning them over by peaceful overtures useless now, and further active operations will be necessary in my opinion.

"This will mean reinforcements from Spain, as the present Tetuan and Ceuta Field Forces will only be sufficient for a short advance, and not for such operations as are now necessary to ensure peace.

"This reinforcement would be necessary, I consider, to hold Ceuta, Tetuan, and the line of communications, which, of course, would be cut by the tribesmen in all directions."

There can, I think, be no doubt as to the soundness of these observations.

With reference to the proposals lately made by the Mannesmanns to the Spanish Government, a leading Moorish notable at Tetuan remarked to Captain Ewart that the Mannesmann Brothers have no influence with the tribesmen in the neighbourhood of Tetuan, who are opposed to all foreign influence, though they would be ready enough, if well paid, to work on road or railway construction under civilian superintendence.

I have, &c.
HERBERT E. WHITE.

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[58042] No. 154.

*Mr. White to Sir Edward Grey.—(Received December 29.)*

(No. 408.)
Sir, *Tangier, December 20, 1913.*

WITH reference to your despatch No. 178 of the 1st ultimo, I have the honour to transmit herewith an interleaved copy of the "Bulletin officiel," No. 46,* containing the dahirs regarding the new tribunals established in the French zone, in which I have noted certain observations on the details of the French proposals.

There is much in the code that one would like to see amended, but as they are laws to be applied by French tribunals in a French protectorate, one must expect French law to be adopted as the basis.

There can be no doubt that there is a strong feeling amongst British subjects generally on the subject, and the abolition of Consular Courts would be very unpopular. Past experience of French Consular Courts has caused British subjects to have little confidence in the impartiality of French judges, and they would be most unwilling to be subject to the jurisdiction of the new Courts.

It would be interesting to learn how British subjects in Tunis have fared since the abolition of the Capitulations. I may be too optimistic, but personally I am hopeful that the new Courts will administer justice with an even hand. I believe the judges have been selected with care, and I cannot help thinking they will be animated with a different spirit to that in which some of the French consular officers discharged their judicial duties in cases in which foreigners were plaintiffs.

The French Government do not aim at the abolition of the Capitulations by all countries simultaneously; they intend to follow the course adopted in Tunis, to make it to the interest of other countries to suppress their Consular Courts and place their subjects under the jurisdiction of the French Courts. So far as we are concerned, I I take it the question must depend almost entirely on that of the abolition of the French Consular Courts in Egypt, and all that we have to see to in examining the present decrees is that there is nothing in them that would be injurious to the liberty or interests of British subjects should the Capitulations be abolished. I have accordingly been guided by those principles in the observations I have the honour to submit herewith.

I have, &c.
HERBERT E. WHITE.

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[58194] No. 155.

*Sir F. Bertie to Sir Edward Grey.—(Received December 29.)*

(No. 631. Confidential.)
Sir, *Paris, December 25, 1913.*

I HAVE the honour to acknowledge the receipt of your despatch No. 759 of the 22nd instant on the subject of the Société internationale d'Études et de Travaux au Maroc.

I enclose a memorandum with which I have been furnished from a private and confidential source, and in which some details as to that company and other similar companies are given.

I will endeavour to obtain and forward to you further information on the subject.

I am given to understand that the Société internationale des Intérêts de Tanger is not favourably viewed in good financial circles.

I have, &c.
FRANCIS BERTIE.

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* Not printed.

Enclosure 1 in No. 155.

*Memorandum.*

*Société internationale d'Études et de Travaux au Maroc.*—Cette société est sur le point d'être constituée par les groupes Perchot et Paris-France. (M. Perchot est sénateur.) Le groupe Paris-France est un groupe riche et puissant, à la tête duquel se trouve M. Raoul Block. Ce groupe a créé, entre autres, les Grands Bazars de France, les Magasins réunis, les Magasins modernes, qui sont des affaires très prospères.

*Société internationale pour le Développement de Tanger.*—Il n'a pas été possible d'avoir des renseignements sur cette société, mais au mois de mars 1913 il a été constituée une société sous la dénomination "Société internationale des Intérêts de Tanger." Le fondateur est M. Maurice Huet et l'apporteur des terrains, M. Perdicaris, domicilié à Chislehurst (Angleterre).

Ci-joint la publication parue dans le "Bulletin des Annonces légales obligatoires" à la charge des sociétés financières, du 17 mars, 1913, concernant la constitution de cette affaire.

*Société marocaine de Travaux publics.*—La Société internationale des Intérêts de Tanger n'a rien de commun avec la Société marocaine de Travaux publics, constituée par l'Union parisienne et le Crédit foncier d'Algérie et de Tunisie et dans laquelle se trouve intéressée la Lloyd's Bank. Le représentant des capitaux anglais dans le conseil de la Société marocaine de Travaux publics est Mr. Robert Norton (211, King's Road, Londres).

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Enclosure 2 in No. 155.

*Extract from the "Bulletin des Annonces légales obligatoires" of March* 17, 1913.

*Société internationale des Intérêts de Tanger.*—Anonyme française (en formation). Siège social : Paris, 64, Rue des Petits-Champs (Opéra). Objet social : Toutes opérations immobilières et industrielles au Maroc et plus spécialement à Tanger. Duration de la Société, trente ans. Capital social, 1,500,000 fr. divisé en 3,000 actions de 500 fr. à libérer en totalité. Le fondateur, M. Maurice Huet, administrateur de sociétés, à Paris, 64, Rue des Petits-Champs, apporte à la Société : (1) études, travaux, recherches, démarches et concours en vue de la constitution de la société ; (2) bénéfice de promesse de vente à lui consentie par M. Perdicaris, propriétaire, à Chislehurst, Angleterre, de terrains à Tanger. En représentation et pour prix des apports, il est attribué à l'apporteur une somme de 150,000 fr. espèces et une part de 20 pour cent dans les bénéfices représentée par 3,000 parts bénéficiaires. L'assemblée générale annuelle se réunit chaque année au lieu désigné par le conseil d'administration dans les six mois suivant la clôture de l'exercice sur avis inséré dans un journal d'annonces légales quinze jours à l'avance et dix jours seulement pour les assemblées extraordinaires. L'exercice social commence le 1er janvier et finit le 31 décembre. Sur les bénéfices nets il est prélevé : 5 pour cent pour la réserve légale, somme insuffisante pour payer 5 pour cent d'intérêt au capital ; 10 pour cent du surplus au conseil d'administration ; le solde est attribué : 80 pour cent aux actions et 20 pour cent aux parts bénéficiaires. Status déposés chez Me Cottenet, notaire à Paris.

(Certifié véritable.)

Le fondateur,
MAURICE HUET.

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[57617] No. 156.

*Sir Edward Grey to M. Cambon.**

Your Excellency, *Foreign Office, December* 29, 1913.

YOU were good enough to communicate to me on the 1st instant, at the same time as the Spanish Ambassador, the text of the proposed Mining Regulations for Morocco, and of the regulations for settling disputes arising out of conditions existing prior to the entry into force of those regulations.

* Also to Señor Merry del Val, *mutatis mutandis.*



Your Excellency also communicated a memorandum dealing with the reservation made by His Majesty's Government in regard to article 42 of the Mining Regulations.

His Majesty's Government have taken note of the assurances contained in your Excellency's memorandum, and, in view of those assurances, I have the honour to inform you that the texts of the two regulations are accepted by His Majesty's Government.

I have, &c.
E. GREY.

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[56860] No. 157.

*Sir Edward Grey to M. van der Goes.*

Sir, *Foreign Office, December*, 31, 1913.

IN reply to your note of the 15th instant, I have the honour to inform you that His Majesty's Government have signified to the French and Spanish Governments their acceptance of the Draft Morocco Mining Regulations, and of the regulations for settling disputes arising out of conditions existing prior to the entry into force of those regulations.

I have, &c.
E. GREY.

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